FEDERAL REGISTER

VOLUME 18 NUMBER 188

Washington, Friday, September 25, 1953

TITLE 3—THE PRESIDENT

EXECUTIVE ORDER 10488

PROVIDING FOR THE ISSUANCE OF REGULATIONS GOVERNING THE PURCHASE, CUSTODY, TRANSFER, OR SALE OF FOREIGN EXCHANGE BY THE UNITED STATES

By virtue of the authority vested in me by the Constitution and statutes, and as President of the United States, it is hereby ordered that the purchase, custody, transfer, or sale of foreign exchange (including credits and currencies) by any executive department or agency of the United States shall be administered under such regulations, not inconsistent with the provisions of section 1415 of the Supplemental Appropriation Act, 1953 (66 Stat. 662; 31 U. S. C. 724) section 1313 of the Supplemental Appropriation Act, 1954 (67 Stat. 438) or of any other law, as may be issued by the Secretary of the Treasury, and the Secretary of the Treasury is authorized to issue such regulations.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,
September 23, 1953.

[F. R. Doc. 53-8278; Filed, Sept. 24, 1953; 9:49 a. m.]

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter II—The Loyalty Review Board

REVOCATION OF CHAPTER

In view of the termination of the Loyalty Review Board as provided in section 12 of Executive Order 10450 (18 F. R. 2489) Chapter II (Parts 200, 210 with Appendix A, 220 and 230) is hereby revoked.

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 53-8228; Filed, Sept. 24, 1953; 8:47 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter C—Loans, Purchases and Other Operations

[1953 CCC Grain Price Support Bulletin 1, Supp. 1, Amdt. 2, Oats]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—1953-CROP OATS LOAN AND PURCHASE AGREEMENT PROGRAM

SETTLEMENT

The regulations issued by Commodity Credit Corporation and the Production and Marketing Administration published in 18 F. R. 1973 and 4787 and containing the specific requirements for the 1953-Crop Oats Price Support Program are hereby amended by the addition of a paragraph to the provisions on warehouse-storage loans and on purchase agreements providing for refunding or crediting to the producer prepaid receiving or receiving and loading out charges.

1. Section 601.160 (b) (1) is amended to read as follows:

§ 601.160 *Settlement.* * * *

(b) *Warehouse-storage loans.* (1) (i) In the case of warehouse receipts issued on a warehouse approved under the Uniform Grain Storage Agreement, if the warehouse loan is not redeemed and the warehouse receipt or the accompanying supplemental certificate contains a statement in substantially the following form; "Full storage charges, not including receiving charges, paid through April 30, 1954, $_____," a refund in the amount of the smaller of (*a*) the storage charges prepaid by the producer, or (*b*) the amount of the storage charges deducted at the time the loan was completed, will be made to the producer by the PMA county office.

(ii) In case a warehouseman charges the producer for the receiving or the receiving and loading out charges on oats under loan, the producer shall, upon de-

(Continued on p. 5701)

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Federal Register Division, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U. S. C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D. C.

The regulatory material appearing herein is keyed to the Code of Federal Regulations, which is published, under 50 titles, pursuant to section 11 of the Federal Register Act, as amended June 19, 1937.

The FEDERAL REGISTER will be furnished by mail to subscribers, free of postage, for $1.50 per month or $15.00 per year, payable in advance. The charge for individual copies (minimum 15¢) varies in proportion to the size of the issue. Remit check or money order, made payable to the Superintendent of Documents, directly to the Government Printing Office, Washington 25, D. C.

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A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

CODIFICATION GUIDE—Con.

livery of the oats to CCC, be reimbursed for such prepaid charges in an amount not to exceed the charges authorized under the Uniform Grain Storage Agreement, provided the producer furnishes to the county PMA committee, written evidence signed by the warehouseman that such charges have been paid.

2. Section 601.160 (c) (1) is amended to read as follows:

(c) *Purchase agreement.* (1) (i) Oats delivered to CCC under a purchase agreement must meet the requirements of oats eligible for loan. The purchase rate per bushel of eligible oats shall be the support rate established for the approved point of delivery, subject to deduction of warehouse charges in accordance with § 601.159, except as provided in subparagraph (2) of this paragraph.

(ii) In the case of warehouse receipts issued on a warehouse approved under the Uniform Grain Storage Agreement, if the warehouse receipt or the accompanying supplemental certificate representing oats stored in the warehouse contains a statement in substantially the following form, "Full storage charges, not including receiving charges paid through April 30, 1954, $_____," the producer shall be given credit for the smaller of (*a*) the storage charges prepaid by the producer, or (*b*) the amount of the warehouse storage charges determined according to the time of deposit as outined in § 601.159 at the time the settlement value of the commodity delivered is determined.

(iii) In case a warehouseman charges the producer for the receiving or the receiving and loading out charges on oats under purchase agreement the producer shall, upon delivery of the oats to CCC be credited for such prepaid charges in an amount not to exceed the charges authorized under the Uniform Grain Storage Agreement, provided the producer furnishes to the county PMA committee, written evidence signed by the warehouseman, that such charges have been paid.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup. 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053, 15 U. S. C. Sup. 714b, 7 U. S. C. Sup. 1447, 1421)

Issued this 22d day of September 1953.

[SEAL] HOWARD H. GORDON,
Executive Vice President,
Commodity Credit Corporation.

Approved:

JOHN H. DAVIS,
President,
Commodity Credit Corporation.

[F. R. Doc. 53-8237; Filed, Sept. 24, 1953; 8:49 a. m.]

[1953 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 3, Rye]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—1953 CROP RYE LOAN AND PURCHASE AGREEMENT PROGRAM

MISCELLANEOUS AMENDMENTS

The regulations issued by the Commodity Credit Corporation and the Production and Marketing Administration published in 18 F. R. 1979, 4787, and 5133 and containing the specific requirements for the 1953 Crop Rye Price Support Program are hereby amended by the addition of a paragraph to the provisions on settlement of warehouse-storage loans and of purchase agreements providing for refunding or crediting to the producer prepaid receiving or receiving and loading out charges. The program is further amended by changing three sections to provide price support in designated areas for rye grading No. 4 or "Sample" on the basis of test weight, but otherwise grading No. 2 or better and having a test weight of not less than 40 pounds per bushel.

1. Section 601.210 (b) (1) is amended to read as follows:

(b) *Warehouse-storage loans.* (1) (i) In the case of warehouse receipts issued on a warehouse approved under the Uniform Grain Storage Agreement, if the warehouse loan is not redeemed and the warehouse receipt or the accompanying supplemental certificate contains a statement in substantially the following form, "Full storage charges, not including receiving charges, paid through April 30, 1954, $_____," a refund in the amount of the smaller of (*a*) the storage charges prepaid by the producer, or (*b*) the amount of the storage charges deducted at the time the loan was completed, will be made to the producer by the PMA county office.

(ii) In case a warehouseman charges the producer for the receiving or the receiving and loading out charges on rye under loan, the producer shall, upon delivery of the rye to CCC, be reimbursed for such prepaid charges in an amount not to exceed the charges authorized under the Uniform Grain Storage Agreement, provided the producer furnishes to the county PMA committee, written evidence signed by the warehouseman that such charges have been paid.

2. Section 601.210 (c) (1) is amended to read as follows:

(c) *Purchase agreement.* (1) (i) Rye delivered to CCC under a purchase agreement must meet the requirements of rye eligible for loan. The purchase rate per bushel of eligible rye shall be the support rate established for the approved point of delivery, subject to deduction of warehouse charges in accordance with § 601.209, except as provided in subparagraph (2) of this paragraph.

(ii) In the case of warehouse receipts issued on a warehouse approved under the Uniform Grain Storage Agreement, if the warehouse receipt or the accompanying supplemental certificate representing rye stored in the warehouse contains a statement in substantially the following form, "Full storage charges, not including receiving charges, paid through April 30, 1954, $_____," the producer shall be given credit for the smaller of (*a*) the storage charges prepaid by the producer, or (*b*) the amount of the warehouse storage charges determined according to the time of deposit as outlined in § 601.209 at the time the settlement value of the commodity delivered is determined.

(iii) In case a warehouseman charges the producer for the receiving or the receiving and loading out charges on rye under purchase agreement the producer shall, upon delivery of the rye to CCC be credited for such prepaid charges in an amount not to exceed the charges authorized under the Uniform Grain Storage Agreement, provided the producer furnishes to the county PMA committee, written evidence signed by the warehouseman, that such charges have been paid.

3. Section 601.203 (c) is amended to read as follows:

(c) Such rye must be rye grading No. 2 or better, or rye grading No. 3 on the factor of "test weight" only, but otherwise grading No. 2 or better, or in North Dakota, South Dakota or Minnesota, rye grading No. 4 or "sample" on the factor of "test weight" but otherwise grading No. 2 or better and having a test weight of not less than 40 pounds per bushel.

4. Section 601.205 (c) and (d) are amended to read as follows:

(c) When the quantity of rye is determined by measurement, a bushel shall be 1.25 cubic feet of rye testing 56 pounds per bushel. The quantity determined shall be the following percentages of the quantity determined for 56-pound rye:

For rye testing:	*Percent*
56 pounds or over	100
55 pounds or over, but less than 56 pounds	98
54 pounds or over, but less than 55 pounds	96
53 pounds or over, but less than 54 pounds	95
52 pounds or over, but less than 53 pounds	92
51 pounds or over, but less than 52 pounds	91

For rye testing:	Percent
50 pounds or over, but less than 51 pounds	89
49 pounds or over, but less than 50 pounds	87
48 pounds or over, but less than 49 pounds	86
47 pounds or over, but less than 48 pounds	84
46 pounds or over, but less than 47 pounds	82
45 pounds or over, but less than 46 pounds	80
44 pounds or over, but less than 45 pounds	79
43 pounds or over, but less than 44 pounds	77
42 pounds or over, but less than 43 pounds	75
41 pounds or over, but less than 42 pounds	73
40 pounds or over, but less than 41 pounds	71

(d) The percentage of dockage shall be determined and the weight of such dockage shall be deducted from the gross weight of the rye in determining the net quantity available for loan or purchase.

5. Section 601.208 is amended by the addition of a new paragraph (e) which reads as follows:

(e) *Discount for rye grading No. 4 or "Sample."* In addition to any other discount that may be applied to rye grading No. 4 or "Sample" a discount of 2 cents per bushel shall be applied for each pound by which the "test weight" falls below 52 pounds per bushel, the minimum "test weight" for rye grading No. 3.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup. 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1053, 15 U. S. C. Sup. 714, 7 U. S. C. Sup. 1447, 1421)

Issued this 22d day of September 1953.

[SEAL] HOWARD H. GORDON,
Executive Vice President,
Commodity Credit Corporation.

Approved:

JOHN H. DAVIS,
President,
Commodity Credit Corporation.

[F. R. Doc. 53-8239; Filed, Sept. 24, 1953; 8:49 a. m.]

[1953 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 2, Soybeans]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—1953-CROP SOYBEANS LOAN AND PURCHASE AGREEMENT PROGRAM

SETTLEMENT

The regulations issued by Commodity Credit Corporation and the Production and Marketing Administration published in 18 F R. 4367 and 5029, and containing the specific requirements for the 1953-Crop Soybeans Price Support Program are hereby amended by the addition of a paragraph to the provisions on warehouse-storage loans and on purchase agreements providing for refunding or crediting to the producer of prepaid receiving or receiving and loading out charges.

1. Section 601.285 (b) (1) is amended to read as follows:

§ 601.285 *Settlement.* * * *

(b) *Warehouse-storage loans.* (1) (i) In the case of warehouse receipts issued on a warehouse approved under the Uniform Grain Storage Agreement, if the warehouse loan is not redeemed and the warehouse receipt or the accompanying supplemental certificate contains a statement in substantially the following form, "Full storage charges, not including receiving charges, paid through May 31, 1954, $_____," a refund in the amount of the smaller of (*a*) the storage charges prepaid by the producer or (*b*) the amount of the storage charges deducted at the time the loan was completed will be made to the producer by the PMA county office.

(ii) In case a warehouseman charges the producer for the receiving or the receiving and loading out charges on soybeans under loan, the producer shall, upon delivery of the soybeans to CCC, be reimbursed for such prepaid charges in an amount not to exceed the charges authorized under the Uniform Grain Storage Agreement, provided the producer furnishes to the county PMA committee, written evidence signed by the warehouseman that such charges have been paid.

2. Section 601.285 (c) (2) is amended to read as follows:

(c) *Purchase agreements.* * * *

(2) (i) In the case of warehouse receipts issued on a warehouse approved under the Uniform Grain Storage Agreement, if the warehose receipt or the accompanying supplemental certificate representing soybeans stored in the warehouse contains a statement in substantially the following form "Full storage charges not including receiving charges, paid through May 31, 1954, $_____," the producer shall be given credit for the smaller of (*a*) the storage charges prepaid by the producer, or (*b*) the amount of the warehose storage charges determined according to the time of deposit as provided in § 601.284 at the time the settlement value of the commodity delivered is determined.

(ii) In case a warehoseman charges the producer for the receiving or the receiving and loading out charges on soybeans under purchase agreement the producer shall, upon delivery of the soybeans to CCC be credited for such prepaid charges in an amount not to exceed the charges authorized under the Uniform Grain Storage Agreement, provided the producer furnishes to the PMA county committee, written evidence signed by the warehouseman, that such charges have been paid.

(iii) For soybeans stored in approved warehouses operated by Eastern common carriers, if the supplemental certificate and delivery order representing soybeans stored in the warehouse contains a statement in substantially the following form "Full storage charges paid through May 31, 1954, $_____," no deduction for storage shall be made from the support rate at the time the settlement value of the commodity delivered is determined. The producer shall be given credit for the amount of any elevation charge prepaid at the time the settlement value of the commodity delivered is determined, if he presents evidence showing such prepayment.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup. 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat., 1053, 15 U. S. C. Sup. 714c, 7 U. S. C. Sup. 1447, 1421.)

Issued this 22d day of September 1953.

[SEAL] PRESTON RICHARDS,
Acting Executive Vice President,
Commodity Credit Corporation.

Approved:

JOHN H. DAVIS,
President,
Commodity Credit Corporation.

[F. R. Doc. 53-8240; Filed, Sept. 24, 1953; 8:49 a. m.]

[1953 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 3, Flaxseed]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—1953-CROP FLAXSEED LOAN AND PURCHASE AGREEMENT PROGRAM

SETTLEMENT

The regulations issued by Commodity Credit Corporation and the Production and Marketing Administration published in 18 F R. 2367, 4902, and 4990, and containing the specific requirements for the 1953-Crop Flaxseed Price Support Program are hereby amended by the addition of a paragraph to the provisions on warehouse-storage loans and on purchase agreements providing for refunding or crediting to the producer of prepaid receiving or receiving and loading out charges.

1. Section 601.310 (b) (1) is amended to read as follows:

§ 601.310 *Settlement.* * * *

(b) *Warehouse-storage loans.* (1) (i) In the case of warehouse receipts issued on a warehouse approved under the Uniform Grain Storage Agreement, if the warehouse loan is not redeemed and the warehouse receipt or the accompanying supplemental certificate contains a statement in substantially the following form, "Full storage charges not including receiving charges, paid through April 30, 1954 (January 31, 1954, if stored in Arizona or California) $_____," a refund in the amount of the smaller of (*a*) the storage charges prepaid by the producer, or (*b*) the amount of the storage charges deducted at the time the loan was completed, will be made to the producer by the PMA county office.

(ii) In case a warehouseman charges the producer for the receiving or the receiving and loading out charges on flaxseed under loan, the producer shall, upon delivery of the flaxseed to CCC, be reimbursed for such prepaid charges in an amount not to exceed the charges authorized under the Uniform Grain Storage Agreement, provided the producer furnishes to the county PMA committee written evidence signed by the ware-

houseman that such charges have been paid.

2. Section 601.310 (c) (1) is amended to read as follows:

(c) *Purchase agreement.* (1) (i) Flaxseed delivered to CCC under a purchase agreement must meet the requirements of flaxseed eligible for loan. The purchase rate per bushel of eligible flaxseed shall be the support rate established for the approved point of delivery, subject to deduction of warehouse charges in accordance with § 601.309, except as provided in subparagraph (2) of this paragraph.

(ii) In the case of warehouse receipts issued on a warehouse approved under the Uniform Grain Storage Agreement, if the warehouse receipt or the accompanying supplemental certificate representing flaxseed stored in the warehouse contains a statement in substantially the following form, "Full storage charges, not including receiving charges, paid through April 30, 1954 (January 31, 1954, if stored in Arizona or California) $_____," the producer shall be given credit for the smaller of (a) the storage charges prepaid by the producer, or (b) the amount of the warehouse-storage charges determined according to the time of deposit as outlined in § 601.309 at the time the settlement value of the commodity delivered is determined.

(iii) In case a warehouseman charges the producer for the receiving or the receiving and loading out charges on flaxseed under purchase agreement the producer shall, upon delivery of the flaxseed to CCC be credited for such prepaid charges in an amount not to exceed the charges authorized under the Uniform Grain Storage Agreement, provided the producer furnishes to the PMA county committee written evidence signed by the warehouseman that such charges have been paid.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup. 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 301, 401, 63 Stat. 1054, 15 U. S. C. Sup. 714c, 7 U. S. C. Sup. 1447, 1421).

Issued this 22d day of September 1953.

[SEAL] PRESTON RICHARDS,
Acting Executive Vice President, Commodity Credit Corporation.

Approved:

JOHN H. DAVIS,
President,
Commodity Credit Corporation.

[F. R. Doc. 53-8236; Filed, Sept. 24, 1953; 8:48 a. m.]

[1953 CCC Peanut Bulletin 721 (Peanuts 53)-1, Amdt. 1]

PART 646—PEANUTS

SUBPART—1953 CROP PEANUT PRICE SUPPORT PROGRAM

MISCELLANEOUS AMENDMENTS

The regulations issued by Commodity Credit Corporation with respect to the 1953 Crop Peanut Price Support Program (18 F. R. 5055) are amended as provided herein.

The handling of documents in connection with farm and warehouse storage loans and loans by cooperatives is clarified and the availability provisions are amended to specify definite maturity date of loans. The provisions pertaining to purchase of notes are amended to include activities of lending agencies making loans to cooperatives.

The regulations in §§ 646.501 to 646.520 inclusive, are hereby amended as specified below:

1. Paragraph (d) of § 646.501 is amended to read as follows:

§ 646.501 *Administration.* * * *

(d) All documents in connection with farm storage and warehouse storage loans as distinct from loans to cooperatives referred to in paragraph (e) of this section will be approved by the county committee which keeps the farm program records. The county committee will retain copies of all such documents. The county committee may authorize the county office manager to prepare and approve any loan documents on behalf of the county committee.

2. Paragraph (c) of § 646.502 is amended to read as follows:

§ 646.502 *Availability.* * * *

(c) *Time.* Loans will be available through January 31, 1954, and will mature on May 31, 1954 or such earlier date as may be specified by CCC. All loan documents on which the county committee's approval is required, must be dated and delivered to the county committee on or before January 31, 1954. Warehouse receipts for peanuts delivered to a cooperative operating under an Agreement with CCC must show that the peanuts were received not later than January 31, 1954.

3. Section 646.516 *Purchase of notes* is amended by adding a paragraph (d) to read as follows:

(d) Lending agencies making loans to cooperatives operating under an Agreement with CCC may assign all or part of such loans to CCC and obtain payment from CCC for the amounts assigned by means of sight drafts drawn payable through a designated Federal Reserve Bank or Branch Bank. Lending agencies will act as agent for CCC in servicing the loan or portion thereof assigned to CCC.

(Sec. 4, Stat. 1070, as amended; 15 U. S. C., Sup. 714b. Interpret or apply sec. 5, 62 Stat. 1072, secs., 101, 401, 63 Stat. 1051, 1054; 15 U. S. C., Sup. 714c, 7 U. S. C. Sup. 1441, 1421)

Issued this 22d day of September 1953.

[SEAL] HOWARD H. GORDON,
Executive Vice President, Commodity Credit Corporation.

Approved:

JOHN H. DAVIS,
President,
Commodity Credit Corporation.

[F. R. Doc. 53-8238; Filed, Sept. 24, 1953; 8:49 a. m.]

TITLE 7—AGRICULTURE

Chapter IV—Federal Crop Insurance Corporation, Department of Agriculture

PART 417—TOBACCO CROP INSURANCE

SUBPART—REGULATIONS FOR THE 1954 AND SUCCEEDING CROP YEARS

By virtue of the authority contained in the Federal Crop Insurance Act, as amended, the "Regulations for the 1950 and Succeeding Crop Years" as amended (14 F. R. 5293, 6675; 15 F. R. 2483; 16 F. R. 4297, 4609; 17 F. R. 2109, 5057, 8203; 18 F. R. 3632) which shall continue in full force and effect for the 1953 crop year, are hereby amended for the 1954 and succeeding crop years to read as set forth below. The provisions of the subpart shall apply, until amended or superseded, to all continuous tobacco contracts as they relate to the 1954 and succeeding crop years.

Sec.
417.1 Availability of tobacco crop insurance.
417.2 Coverages per acre.
417.3 Premium rates.
417.4 Application for insurance.
417.5 Public notice of indemnities paid.
417.6 Creditors.
417.7 Changes in continuous contracts covering the 1953 and succeeding crop years.
417.8 The policy.

AUTHORITY: §§ 417.1 through 417.8 issued under secs. 506, 516, 52 Stat. 73, 77; 7 U. S. C. 1506, 1516. Interpret or apply secs. 507-509, 52 Stat. 73-75, as amended, Pub. Law 261, 83d Cong.; 7 U. S. C. 1507-1509.

§ 417.1 *Availability of tobacco crop insurance.* (a) Tobacco crop insurance may be provided in counties, not in excess of the number prescribed by the Federal Crop Insurance Act, as amended, designated annually by the Manager of the Corporation from a list of counties approved by the Board of Directors of the Corporation. A list of the counties selected for insurance showing the type(s) of tobacco insured, which shall be designated by the Manager of the Corporation and shown on the county actuarial table, shall be published annually by appendix to this section.

(b) Insurance will not be provided with respect to applications for tobacco insurance filed in a county in accordance with this subpart unless written applications, together with tobacco crop insurance contracts in force for the ensuing crop year, cover the minimum number of farms prescribed by the Federal Crop Insurance Act, as amended. For this purpose an insurance unit shall be counted as one farm.

§ 417.2 *Coverages per acre.* The Corporation shall establish coverages per acre which shall not be in excess of the maximum limitations prescribed in the Federal Crop Insurance Act, as amended. Coverages so established shall be shown on the county actuarial table in pounds or dollars, shall be on file in the county office, and may be revised from year to year.

§ 417.3 *Premium rates.* The Corporation shall establish premium rates in

dollars per acre for all acreage for which a coverage is established and such rates shall be those deemed adequate to cover claims for tobacco crop losses and to provide a reasonable reserve against unforeseen losses. Premium rates so established shall be shown on the county actuarial table, shall be on file in the county office, and may be revised from year to year.

§ 417.4 *Application for insurance.* (a) Application for insurance on a Corporation form entitled "Application for Crop Insurance on Tobacco" may be made by any person to cover his interest as landlord, owner-operator, tenant-operator, share tenant, or sharecropper, in a tobacco crop.

(b) Application for insurance may also be made by any owner-operator or tenant-operator on the form mentioned above to cover the interest(s) which a share tenant(s) or sharecroper(s) has in a tobacco crop in which such farm operator has an interest. The interest(s) covered shall be that interest(s) which the share tenant(s) or sharecropper(s) has at the time of planting and any interest(s) allocated to him after planting pursuant to an understanding existing at the time of planting. As to such share tenant(s) or sharecropper(s) interest(s) notwithstanding any other provision of the contract to the contrary (1) the applicant shall be considered the insured and the interest(s) insured shall be considered as his interest(s) (2) premiums (except for reductions based on good experience) and losses shall be computed and transfers of interest shall be made in the same manner and under the same terms and conditions as if the share tenant(s) or sharecropper(s) had signed (and the Corporation had accepted) an individual application for insurance, (3) the applicant shall designate on his annual acreage report the name of the share tenant(s) or sharecropper(s) and the acreage allocated to him, (4) any indemnity shall be paid to the insured for the benefit of the share tenant or sharecropper (or transferee) allocated the insurance unit on which the loss occurred and payment shall be made by joint check payable to the insured and said share tenant or sharecropper (or transferee) (5) collateral assignments shall not be honored but the insured shall from the proceeds of the joint check be entitled to any amounts owed him for advances to finance the current tobacco crop on the insurance unit, and (6) the Corporation shall not deduct from any indemnity any amount except the current premium on the share tenant's or sharecropper's interest and any amount owed the Corporation by the share tenant or sharecropper (or transferee) For each crop year of the contract, the contract shall not cover the interest of any share tenant or sharecropper who is insured with the Corporation under an individual contract.

(c) For any crop year applications shall be submitted to the county office on or before the following applicable closing date preceding such crop year:

Type of tobacco:	Date	Type of tobacco:	Date
11a	May 5	31	May 15
11b	Apr. 30	35	May 15
12	Apr. 25	36	May 15
13	Apr. 15	41	May 31
14	Mar. 31	51	May 31
21	May 5	52	May 31
22	May 15	54	May 31
23	May 15	55	May 31

§ 417.5 *Public notice of indemnities paid.* The Corporation shall provide for the posting annually in each county at the county courthouse of a list of indemnities paid for losses in the county.

§ 417.6 *Creditors.* An interest in an insured crop existing by virtue of a lien, mortgage, garnishment, levy, execution, bankruptcy or any involuntary transfer shall not entitle any holder of any such interest to any benefits under the contract.

§ 417.7 *Changes in continuous contracts covering the 1953 and succeeding crop years.* Continuous tobacco insurance contracts in effect for the 1953 and succeeding crop years shall be amended for 1954 and succeeding crop years so that the terms and conditions of such contracts will conform with the terms and conditions of the policy set forth in this subpart.

§ 417.8 *The policy.* The provisions of the policy for the 1954 and succeeding crop years are as follows:

Pursuant to the provisions of the application upon which this policy is issued, which application together with this policy shall constitute the contract, and subject to the terms and conditions set forth herein, the Federal Crop Insurance Corporation (herein called the "Corporation") does insure the applicant (herein called the "Insured"), subject to the acceptance of his application, against unavoidable loss of production on his tobacco crop due to drought, flood, hail, wind, frost, freeze, lightning, fire, excessive rain, snow, wildlife, hurricane, tornado, insect infestation, plant disease, and pole burn.

TERMS AND CONDITIONS

1. *Responsibility of insured to report acreage and interest.* (a) Promptly after planting the tobacco crop each year, the insured shall submit to the Corporation's office for the county (herein called "county office") on a Corporation form entitled "Tobacco Crop Insurance Acreage Report," a report over his signature of all acreage in the county planted to each insurable type of tobacco in which he has an interest at the time of planting. This report shall show the acreage and type of tobacco on each insurance unit (See section 25 (f)) and the insured's interest in such acreage at the time of planting. If the insured does not have an insurable interest in tobacco planted in any year, an acreage report so indicating shall nevertheless be submitted promptly after planting of tobacco is generally completed in the county. Any acreage report submitted by the insured shall not be subject to change by the insured.

(b) If the insured fails to file an acreage report within 30 days after planting of tobacco is generally completed in the county, the Corporation may elect to determine the insured acreage and interest and file an acreage report on behalf of the insured or declare the acreage to be "zero."

(c) Failure of the Corporation to request submission of such report or to send a representative to obtain the report shall not relieve the insured of the responsibility to make such report.

2. *Insured acreage.* In any year the insured acreage with respect to each insurance unit shall be the acreage of tobacco planted as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect, except that insurance shall not attach or be considered to have attached with respect to (a) any acreage planted to tobacco which is destroyed and on which it is practical to replant to tobacco, and such acreage is not replanted to tobacco, (b) any acreage initially planted to tobacco too late to expect a normal crop to be produced, and (c) any acreage which is destroyed for the purpose of conforming with any other program administered by the United States Department of Agriculture.

3. *Insured interest.* The insured interest in the tobacco crop covered by the contract shall be the interest of the insured at the time of planting as reported by the insured or as determined by the Corporation, whichever the Corporation shall elect. For the purpose of determining the amount of loss the insured interest shall not exceed the insured's actual interest at the time of loss or the beginning of harvest, whichever occurs first.

4. *Coverage per acre.* (a) The coverage per acre, where expressed in pounds on the county actuarial table, shall be the product of the market price (as determined in accordance with section 25 (g)) and the applicable number of pounds of tobacco shown on the county actuarial table for (1) the area in which the insured acreage is located or (2) the coverage group assigned to the person who owns the land at the time of planting the tobacco crop. The coverage per acre, where expressed in dollars on the county actuarial table, shall be the applicable number of dollars shown on the county actuarial table for (1) the area in which the insured acreage is located or (2) the coverage group assigned to the person who owns the land at the time of planting the tobacco crop. However, if so provided on the county actuarial table, the coverage per acre shall be reduced 5 percent for each full 5 percent that the market price is less than a price designated for this purpose on the county actuarial table.

(b) The coverage per acre is progressive depending upon whether the acreage is harvested or unharvested. (See section 25 (e).)

5. *Insurance period.* Insurance with respect to any insured acreage shall attach at the time the tobacco is planted. Insurance shall cease with respect to any portion of the tobacco crop covered by the contract upon weighing-in at the tobacco warehouse, transfer of interest in the tobacco after harvest, or removal of the tobacco from the insurance unit (except for curing, packing or immediate delivery to the tobacco warehouse), whichever occurs first, but in no event shall insurance remain in effect later than the following applicable date after harvest each year, unless additional time is granted in writing by the Corporation:

Type of tobacco:	Date	Type of tobacco:	Date
11	Jan. 31	35	Feb. 28
12	Dec. 31	36	Feb. 28
13	Nov. 30	41	Mar. 31
14	Sept. 30	51	Feb. 28
21	Mar. 31	52	Feb. 28
22	Mar. 31	54	Mar. 31
23	Mar. 31	55	Mar. 31
31	Feb. 28		

6. *Causes of loss not insured against.* The contract shall not cover loss of production caused by (a) failure to follow recognized good farming practices; (b) poor farming practices, including but not limited to the use of unadapted varieties, failure

properly to prepare the land for planting or properly to plant, care for, harvest (including unreasonable delay thereof) or cure the insured crop; (c) planting tobacco under conditions of immediate hazard; (d) inability to obtain labor, fertilizer, machinery, repairs, or insect poison; (e) breakdown of machinery or failure of equipment due to mechanical defects; (f) neglect or malfeasance of the insured or of any person in his household or employment or who shares in the tobacco crop with him; (g) domestic animals; (h) action of any person in the use of chemicals for the control of weeds; or (i) theft.

7. *Amount of annual premium.* (a) The annual premium for each insurance unit under the contract will be based upon (1) the insured acreage of tobacco, (2) the applicable premium rate(s) and (3) the insured interest(s) in the crop at the time of planting. The annual premium for the contract shall be the total of the premiums computed for the insured for all insurance units covered by the contract, and with respect to any insured acreage shall be earned and payable when the tobacco on such acreage is planted.

(b) The premium rate(s) shown on the county actuarial table are based on prompt payment and any amount of the premium which remains unpaid on the day following the applicable discount date shown in section 26 will be increased by 10 percent, which increased amount shall be the premium balance. Thereafter, at the end of each 12 months' period, 6 percent simple interest shall attach to any amount of the premium balance remaining unpaid. Interest shall not be charged on premiums earned in the 1954 and succeeding crop years except as specified in this section.

(c) The insured's annual premium for any year may be reduced 25 percent if he has had 7 consecutively insured tobacco crops (immediately preceding the current crop year) without a loss for which an indemnity was paid. Nothing in this paragraph shall create in the insured any right to a reduced premium.

(d) Notwithstanding any other provision of the contract, if in any year a premium is earned and totals less than $5.00 the amount shall be increased to $5.00.

8. *Manner of payment of premium.* (a) Payment on any annual premium shall be made by means of cash or by check, money order, or bank draft payable to the order of the Treasurer of the United States. All checks and drafts will be accepted subject to collection, and no payments shall be regarded as paid unless collection is made.

(b) Any unpaid amount of any premium or any other amount owed the Corporation by the insured may be deducted from the proceeds of the sale of the tobacco crop, from any indemnity payable by the Corporation, or from any loan or any payment made to the insured under any act of Congress or program administered by the United States Department of Agriculture. There shall be no refund of any annual premium overpayment of less than $1.00 unless written request for such refund is received by the Corporation within one year after the payment thereof.

9. *Notice of loss or damage.* (a) If material damage occurs to the insured crop on any insurance unit under the contract, notice in writing shall be given the Corporation at the county office promptly after such damage becomes apparent.

(b) Where tobacco is not sold through auction warehouses, if after curing the tobacco it appears probable that a loss on any insurance unit under the contract will be sustained, notice in writing shall be given to the Corporation at the county office to allow the Corporation time to make an inspection before the crop is sold, contracted to be sold, or otherwise disposed of.

(c) In any case if, at the completion of selling or otherwise disposing of the insured tobacco, a loss on an insurance unit under the contract is probable, notice in writing shall be given within 15 days to the Corporation at the county office.

(d) The notices required by paragraphs (b) and (c) are in addition to any notice required by paragraph (a) of this section. If any notice required by this section is not given, the Corporation reserves the right to reject any claim for indemnity.

10. *Released acreage.* Any acreage of the insured tobacco crop which is destroyed after it is too late to replant to tobacco may be released by the Corporation. No insured acreage may be put to another use until the Corporation releases such acreage. Proper measures shall be taken to protect the crop from further damage on any insured acreage if the crop has been damaged but the acreage has not been released by the Corporation. There shall be no abandonment of any crop or portion thereof to the Corporation.

11. *Time of loss.* Any loss shall be deemed to have occurred at the end of the insurance period unless the entire tobacco crop on the insurance unit was destroyed earlier in which event the loss shall be deemed to have occurred on the date of such damage, as determined by the Corporation.

12. *Proof of loss.* If a loss is claimed, the insured shall submit to the Corporation, on a Corporation form entitled "Statement in Proof of Loss for Tobacco," such information regarding the manner and extent of the loss as may be required by the Corporation. The statement in proof of loss shall be submitted not later than 60 days after the amount of loss can be determined, but for any year not later than the applicable date specified below following the normal time of harvest of the crop unless additional time is granted in writing by the Corporation.

Type of tobacco:	Date	Type of tobacco:	Date
11	Feb. 28	35	Mar. 31
12	Jan. 31	36	Mar. 31
13	Dec. 31	41	May 31
14	Oct. 31	51	Mar. 31
21	Apr. 30	52	Mar. 31
22	Apr. 30	54	May 31
23	Apr. 30	55	May 31
31	Mar. 31		

It shall be a condition precedent to any liability under the contract that the insured establish the amount of any loss for which claim is made, and that such loss is not due to uninsured causes and has been directly caused by one or more of the hazards insured against by the contract during the insurance period for the crop year for which the loss is claimed. If a loss is claimed, any tobacco acreage which is not to be harvested shall be left intact until the Corporation makes an inspection.

13. *Amount of loss.* (a) Losses shall be determined separately for each insurance unit except as provided in subsection (c) of this section. The amount of loss with respect to any insurance unit shall be determined by (1) multiplying the planted acreage (exclusive of any acreage to which insurance did not attach) by the applicable coverage(s) per acre, (2) subtracting therefrom the value of the total production to be counted for the planted acreage, and (3) multiplying the remainder by the insured interest in such unit. However, if the planted acreage exceeds the acreage shown on the acreage report for the insurance unit, or if the premium computed for the planted acreage is more than the premium computed for the acreage and interest shown on the acreage report for the insurance unit, the amount of loss so determined shall be reduced. The Corporation may make this reduction on the basis of either the ratio of the acreage shown on the acreage report to the planted acreage, or on the basis of the ratio of the premium computed for the acreage and interest shown on the acreage report to the premium computed for the planted acreage. The value of the total production to be counted for the acreage(s) on an insurance unit shall include the total value of all production on such acreage(s) determined in accordance with the applicable acreage classification(s) shown in the following schedule.

SCHEDULE

Acreage classification	*Value of production to be counted*
1. Acreage harvested (pounds harvested must equal or exceed the pounds obtained by dividing 10 percent of the harvested coverage by a price stated on the county actuarial table for the purpose of making this determination).	1. The value of all tobacco, including (a) the gross returns (less warehouse charges) from the tobacco sold on the warehouse floor, (b) the fair market value, as determined by the Corporation, of the tobacco sold other than on the warehouse floor, (c) the fair market value, as determined by the Corporation, of the tobacco harvested and not sold, and (d) the fair market value (if harvested and cured), as determined by the Corporation, of any unharvested tobacco.
2. Acreage not harvested (or harvested if the pounds harvested do not equal or exceed the pounds obtained by dividing 10 percent of the harvested coverage by a price stated on the county actuarial table for the purpose of making this determination).	2. (a) No value to be counted for any acreage where damage is due solely to insured causes, (b) a value equal to the total coverage on harvested basis for any acreage where damage is due solely to uninsured causes, and (c) the value at the market price of any production lost, as determined by the Corporation, due to uninsured causes where damage is due partially to causes not insured against and partially to causes insured against.
3. Acreage abandoned or put to another use without the consent of the Corporation.	3. A value equal to the total coverage applicable to such acreage on a harvested basis.
4. Acreage described in Item 1 above with reduced production due solely to causes not insured against.	4. A value equal to the total coverage applicable to such acreage on a harvested basis, minus the value of all tobacco for such acreage counted under Item 1 above.
5. Acreage described in Item 1 above with reduced production due partially to causes not insured against and partially to causes insured against.	5. The value at the market price of the production lost, as determined by the Corporation, due to causes not insured against.

(b) To enable the Corporation to determine the fair market value of tobacco not sold through auction warehouses, the Corporation shall be given the opportunity to inspect such tobacco before it is sold, contracted to be sold or otherwise disposed of by the insured, and, if the best offer received by the insured for any such tobacco is considered by the Corporation to be inadequate, to obtain additional offers therefor on behalf of the insured.

(c) If the production from an insurance unit is commingled with the production from any other acreage and the insured fails to keep records satisfactory to the Corporation of the acreages involved and the production from each, the Corporation may (1) deny liability with respect to all insurance units involved for the crop year and declare the premium on such units forfeited by the insured, or (2) allocate the commingled production in such manner as it determines appropriate.

14. *Payment of indemnity.* (a) Any indemnity will be payable by check within thirty days after satisfactory proof of loss is approved by the Corporation, but if payment is delayed for any reason, the Corporation shall not be liable for interest or damage on account of such delay.

(b) If the insured dies, is judicially declared incompetent or disappears after the planting of the tobacco crop in any year, any indemnity which is, or becomes, part of his estate shall be paid to the legal representative of the estate. Should no such representative be qualified, the Corporation may pay the indemnity to the person(s) it determines to be beneficially entitled thereto or to any one or more of such persons on behalf of all such persons, or may withhold payment until a legal representative of the estate is qualified. In such cases, and in any other case where an indemnity is claimed by a person(s) other than the original insured or diverse interests appear with respect to any insurance unit, the determination of the Corporation as to the existence or non-existence of a circumstance in the event of which payment may be made and of the person(s) to whom such payment shall be made shall be final and conclusive. Payment of an indemnity shall constitute a complete discharge of the Corporation's obligations with respect to the loss for which such indemnity is paid and shall be a bar to recovery by any other person(s).

15. *Transfer of interest.* (a) If the insured transfers all or a part of his insured interest in a tobacco crop before the beginning of harvest and the time of loss, the transferee may obtain the benefits of the contract on the transferred interest by within 15 days after the date of transfer, unless additional time is granted in writing by the Corporation, (1) submitting to the county office such information concerning the transfer as may be required by the Corporation and (2) making arrangements satisfactory to the Corporation for the payment of any unpaid premium on the interest transferred. In any case, the transferee and the transferor shall be jointly and severally liable for the amount of any unpaid premium on the interest transferred. Any transfer shall be subject to any collateral assignment made by the original insured in accordance with section 18. However, the Corporation shall not be liable for a greater amount of indemnity in connection with the insured crop than if the transfer had not taken place.

(b) If a transfer is effected in accordance with paragraph (a) above, the contract of the transferor shall cover the interest so transferred only to the end of the insurance period for the crop year during which the transfer is made.

16. *Other insurance.* If the insured has or acquires any other insurance against fire on the crop, or portion thereof, covered by the insurance contract, regardless of whether such other insurance is valid or collectible, the Corporation shall only be liable, in the event of a loss due to fire, for the smaller of (a) the amount of loss determined pursuant to this contract or (b) the amount of loss under this contract due to causes other than fire plus that proportion of the actual amount of loss due to fire which the coverage under this contract bears to the face amount of other insurance on the tobacco in the pack barn or sum of the other insurance on the tobacco in all curing barns, whichever is greater, covering fire at the time of loss.

17. *Subrogation.* The insured shall assign to the Corporation all rights of recovery against any person(s) for loss or damage to the extent that payment therefor is made by the Corporation, and the insured shall execute all papers required and shall do everything that may be necessary to secure such rights.

18. *Collateral assignment.* The original insured may assign his right to an indemnity for any year under the contract by executing a Corporation form entitled "Collateral Assignment" and upon approval thereof by the Corporation the interest of the assignee will be recognized, and the assignee shall have the right to submit the loss notices and forms as required by the contract if the insured neglects or refuses to take such action.

19. *Records and access to farm.* For the purpose of enabling the Corporation to determine any loss that may have occurred under the contract, the insured shall keep, or cause to be kept, for two years after the time of loss, records of the harvesting, storage, shipment, sale or other disposition of all tobacco produced on each insurance unit covered by the contract, and separate records showing the same information for production on any uninsured acreage in the county in which he has an interest. As often as may be reasonably required, any person(s) designated by the Corporation shall have access to such records and the farm(s) for purposes related to the contract.

20. *Life of contract, cancellation or termination thereof.* (a) Subject to the provisions of this section, the contract shall be in effect for the first crop year specified on the application and shall continue in effect for each succeeding crop year until canceled by either the insured or the Corporation. Cancellation may be made by either party giving written notice to the other party on or before the applicable cancellation date shown in section 26 preceding the crop year for which the cancellation is to become effective: *Provided, however,* That if 30 days after such cancellation date any amount due the Corporation remains unpaid or the insured has not complied with a request by the Corporation that arrangements satisfactory to the Corporation be made for the payment of the following crop year's premium, the contract shall terminate as if canceled by the Corporation prior to such cancellation date. Any notice of cancellation by the insured shall be in writing and shall be filed with the county office. The Corporation shall mail any notice of cancellation or any request that arrangements be made for the payment of a premium to the insured's last known address and mailing shall constitute notice to the insured.

(b) If the insured cancels the contract, he shall not be eligible for tobacco crop insurance in the county in the next succeeding crop year unless he subsequently applies for insurance on or before the cancellation date preceding such year.

(c) If the Corporation determines that the county minimum participation requirement established by the Federal Crop Insurance Act, as amended, is not met for any crop year, insurance shall not be in effect for that crop year and the contract shall terminate.

(d) The contract shall terminate upon death or judicial declaration of incompetence of the insured, except that if such death or judicial declaration of incompetence occurs after the beginning of planting of the tobacco crop in any crop year but before the end of the insurance period for such year, the contract shall (1) cover any additional tobacco planted for the insured or his estate for that crop year, and (2) terminate at the end of such insurance period.

21. *Changes in contract.* The Corporation reserves the right to change the premium rate(s), insurance coverage(s) and other terms and provisions of the contract from year to year. Notice of such changes shall be mailed to the insured or placed on file in the county office at least 15 days prior to the cancellation date shown in section 20 and such mailing or filing shall constitute notice to the insured. Failure of the insured to cancel the contract as provided in section 20 shall constitute his acceptance of any such changes. If no notice is given, the terms and provisions of the contract for the prior year shall continue in force.

22. *Voidance of contract.* The Corporation may void the contract and declare the premium(s) forfeited without waiving any right or remedy including the right to collect any unpaid premium(s) if (a) at any time, either before or after loss, the insured has concealed or misrepresented any material fact or committed any fraud relating to the contract, or (b) the insured fails to give any notice or otherwise fails to comply with the terms of the contract at the time and in the manner prescribed.

23. *Modification of contract.* No notice to any representative of the Corporation or knowledge possessed by any such representative or by any other person shall be held to effect a waiver of or a change in any part of the contract, or to estop the Corporation from asserting any right or power under such contract, nor shall the terms of such contract be waived or changed except as authorized in writing by a duly authorized representative of the Corporation; nor shall any provision or condition of this contract or any forfeiture be held to be waived by any delay or omission by the Corporation in exercising its rights and powers thereunder.

24. *Forms.* Copies of forms referred to in this policy are available at the county office.

25. *Meaning of terms.* For purposes of the tobacco insurance program the terms:

(a) "County" means the area shown on the county actuarial table which may include farms located in local producing area(s) bordering on the county.

(b) "County Actuarial Table" means the form(s) and related materials (including the crop insurance maps) which are approved annually by the Corporation and show the coverages per acre and the premium rates per acre applicable in the county.

(c) "County office" means the county office of the Corporation shown on the application for insurance or such other office as may be specified by the Corporation from time to time.

(d) "Crop year" means the period within which the tobacco crop is planted and harvested, and shall be designated by reference to the calendar year in which the crop is harvested.

(e) "Harvest" for any acreage means cutting or priming an amount of tobacco which equals or exceeds the pounds obtained by dividing 10 percent of the harvested coverage for such acreage by a price stated on the county actuarial table for the purpose of making this determination.

(f) "Insurance unit" means (1) all insurable acreage in the county of an insurable type of tobacco in which one person at the time of planting has the entire interest in the crop or (2) all such insurable acreage in the county in which two or more persons at the time of planting have the entire interest in the crop, excluding any other acreage of tobacco in the county in which such persons together do not have the entire interest in the crop. The Corporation reserves the right in determining the amount(s) of any

loss(es) to consider the interest(s) of the insured's spouse, parent(s) or minor children as being the interest(s) of one person.

(g) "Market price" in the case of tobacco of types 11, 12, 13, 14, 21, 22, 23, 31, 35 and 36 means the average auction price of the applicable type (less warehouse charges), as determined by the Corporation, during the first twenty-five market days of auction sales for the belt or area, adjusted where applicable for normal trend, except that a shorter period may be used if the Corporation determines that approximately 60 percent of the tobacco crop is sold in such period. "Market price" in the case of tobacco of types 41, 51, 52, 54 and 55 means the average price received or obtainable by farmers in the belt or area as determined by the Corporation. The market price when determined by the Corporation shall be filed in the county office.

(h) "Owner-operator" means a person who owns land and is responsible for farm management with respect to the production of tobacco on such acreage whether produced by his own or other person's(s') labor. Except for the purposes of section 4, land rented for cash or for a fixed commodity payment shall be considered owned by the lessee.

(i) "Person" means an individual, partnership, association, corporation, estate, or trust, or other business enterprise or other legal entity and, wherever applicable, a State, political subdivision of a State, or any agency thereof.

(j) "Planting" means transplanting the tobacco plant from the plant bed to the field.

(k) "Tenant-operator" means a person who rents land from another person for a share of the tobacco crop, or proceeds therefrom, produced on such land and is responsible for farm management with respect to the production of tobacco on such acreage whether produced by his own or other person's(s') labor.

(l) "Share tenant" and "sharecropper" mean (1) a person other than an owner-operator or tenant-operator who works tobacco under supervision of a farm operator and is entitled to receive a share of the crop, or proceeds therefrom, and (2) a person employed on the farm who receives for his labor 100 percent interest in the tobacco crop, or proceeds therefrom, produced on a specified acreage.

26. *Date table.*[1] For each year of the contract, the cancellation date and the discount date are as follows:

Type of tobacco	Cancellation date[1]	Discount date[2]
11a	April 5	December 31.
11b	March 31	Do.
12	March 25	Do.
13	March 15	Do.
14	February 28	Do.
21	April 5	March 31.
22	April 15	Do.
23	do	Do.
31	do	Do.
35	do	Do.
36	do	Do.
41	April 30	May 31.
51	do	Do.
52	do	Do.
54	do	Do.
55	do	Do.

[1] The cancellation date is the applicable date preceding the beginning of the crop year for which cancellation is to become effective.

[2] The last date for the payment of the annual premium before the unpaid balance is increased by 10 percent is the applicable discount date following the date the tobacco crop is planted. In case two or more types of tobacco are insured under the contract, the earliest date for any type of tobacco insured shall apply to the entire premium for the contract.

[1] When a date designated in this section falls on a Sunday or other day when the county office is not officially open for business, such date shall be extended to the next business day.

NOTE: The record keeping requirements of these regulations have been approved by, and subsequent reporting requirements will be subject to the approval of, the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

Adopted by the Board of Directors on September 15, 1953.

[SEAL] C. S. LAIDLAW,
Secretary,
Federal Crop Insurance Corporation.

Approved on September 22, 1953.
JOHN H. DAVIS,
Acting Secretary of Agriculture.

[F. R. Doc. 53-8241; Filed, Sept. 24, 1953; 8:49 a. m.]

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

PART 728—WHEAT

SUBPART—1954–55 MARKETING YEAR

PROCLAMATION OF RESULTS OF MARKETING QUOTA REFERENDUM

Section 728.409 is issued to announce the results of the wheat marketing quota referendum for the marketing year July 1, 1954, through June 30, 1955, under the provisions of the Agricultural Adjustment Act of 1938, as amended. The Secretary proclaimed a marketing quota for wheat for the 1954–55 marketing year (18 F. R. 3780). The Secretary announced (18 F. R. 4166) that a referendum would be held on August 14, 1953, to determine whether wheat producers were in favor of or opposed to marketing quotas for the marketing year July 1, 1954, through June 30, 1955. Since the only purpose of this proclamation is to announce results of the referendum, it is found and determined that with respect to this proclamation application of the notice and procedure provisions of the Administrative Procedure Act is unnecessary.

§ 728.409 *Proclamation of the results of the Wheat Marketing Quota Referendum for the marketing year 1954–55.* In a referendum of farmers engaged in the production of wheat for the 1954 crop held on August 14, 1953, 447,757 farmers voted. Of those voting 390,221 or 87.2 percent favored quotas for the marketing year beginning July 1, 1954. Therefore, wheat marketing quotas will be in effect for the 1954–55 marketing year.

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375)

Issued this 22d day of September 1953.

[SEAL] JOHN H. DAVIS,
Assistant Secretary of Agriculture.

[F. R. Doc. 53-8244; Filed, Sept. 24, 1953; 8:50 a. m.]

Chapter VIII—Production and Marketing Administration (Sugar Branch), Department of Agriculture

Subchapter B—Sugar Requirements and Quotas

[Sugar Reg. 813, Amdt. 5]

PART 813—SUGAR QUOTAS AND PRORATIONS OF QUOTA DEFICITS

1953 DETERMINATION AND PRORATION OF AREA DEFICIT

Basis and purpose. This amendment is issued pursuant to the Sugar Act of 1948, as amended, for the purpose of prorating a deficit which is hereby determined in the quota for the Republic of the Philippines for sugar to be marketed in the continental United States in 1953. Section 204 (a) of the act provides that the Secretary shall from time to time determine whether any domestic area, the Republic of the Philippines, or Cuba will be unable to market its quota. If he so finds with respect to the Republic of the Philippines the quotas for Cuba and other foreign countries are required to be revised by prorating to Cuba 96 percent and to other countries 4 percent of the deficit so determined.

The Sugar Act provides that the quota for any domestic area, the Republic of the Philippines, Cuba, or other foreign countries as established under the provisions of section 202 shall not be reduced by reason of any determination of a deficit and specifies the basis for the proration to other areas able to supply the additional sugar.

In order to afford sellers of sugar in affected areas an adequate opportunity to market the additional sugar authorized by this amendment, and thereby protect the interest of consumers, it is essential that this amendment be made effective immediately. Therefore, it is hereby determined and found that compliance with the notice, procedure and effective date requirements of the Administrative Procedure Act is unnecessary, impracticable and contrary to the public interest and the amendment herein shall become effective when published in the FEDERAL REGISTER.

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, as amended by 65 Stat. 318, 7 U. S. C. Sup. 1100) and the Administrative Procedure Act (60 Stat. 237)

a. The last paragraph of the statement of basis and purpose contained in Amendment 3 to Sugar Regulation 813 (18 F. R. 4759) is corrected to read as follows: "By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, as amended by 65 Stat. 318, 7 U. S. C. Sup. 1100) and the Administrative Procedure Act (60 Stat. 237) Sugar Regulation 813, as amended (17 F. R. 11158; 18 F. R. 2127, 4399, 4759) is amended by adding § 813.43 to read as follows:" and

b. Sugar Regulation 813, as amended (17 F. R. 11158; 18 F. R. 2127, 4399, 4759, 5589) is hereby amended as follows:

1. Paragraphs (c) and (d) are added to § 813.43 to read as follows:

§ 813.43 *Determination and proration of area deficits.* * * *

(c) *Deficit in quota for the Republic of the Philippines.* It is hereby determined, pursuant to subsection (a) of section 204 of the act, that for the calendar year 1953 the Republic of the Philippines will be unable by an amount of 100,000 short tons of sugar, raw value, to market the quota established for that area in § 813.42.

(d) *Proration of deficit in quota for the Republic of the Philippines.* An amount of sugar equal to the deficit determined in paragraph (c) of this section is hereby prorated, pursuant to subsection (a) of section 204 of the act, as follows:

Area:	*Additional quota, in terms of short tons, raw value*
Cuba	96,000
Other foreign countries	4,000

2. Section 813.44 (a) is hereby amended by deleting the last sentence thereof.

3. Paragraphs (d) and (e) are added to § 813.44 to read as follows:

§ 813.44 *Proration of quota for foreign countries other than Cuba and the Republic of the Philippines.* * * *

(d) *Proration of deficit in quota for the Republic of the Philippines.* An amount of sugar equal to the amount prorated to "other foreign countries" in paragraph (d) of § 813.43 is hereby prorated, pursuant to subsection (a) of section 204 of the act, as follows:

Country	*Additional proration in short tons, raw value*
Dominican Republic	1,032
El Salvador	0
Haiti	100
Mexico	428
Nicaragua	292
Peru	1,940
Not prorated	208
Total	4,000

(e) The portion of the quota established in § 813.42 for foreign countries other than Cuba and the Republic of the Philippines and the portion of additional prorations made in this section for such foreign countries which are not prorated may be filled by countries not receiving specific prorations or quotas, but no such country shall enter a quantity in excess of one percentum of the quota for such foreign countries.

Statement of bases and considerations. The Department has been advised through official channels that about 850,000 short tons of sugar, raw value, from the Republic of the Philippines will arrive in the United States in 1953 from 1952–53-crop processings and that arrivals from the 1953–54 crop probably will not exceed 10,000 tons. It appears, therefore, that the Republic of the Philippines will be unable by at least 100,000 short tons, raw value, to fill its statutory quota for 1953 and a deficit of such quantity is prorated accordingly, 96 percent to Cuba and 4 percent to "Other foreign countries" as provided in the act.

Amendment 4 declared a deficit in the quota for El Salvador since it informed the Department that it would be unable to fill its quota. No proration of any part of the Philippine deficit has been prorated to El Salvador inasmuch as it has already been determined (Amendment 4) that it cannot fill its quota established under § 813.44 (a)

After giving effect to this proration of deficit the quotas for all areas are as shown in the following table:

BASIC QUOTAS, PRORATIONS OF DEFICITS AND ADJUSTED QUOTAS FOR 1953

[Quantities in parentheses indicate amount of deficit short tons, raw value]

Production	Basic quota	Deficit prorations		Adjusted quota	Portion which may enter as direct consumption sugar
		Beet	Philippines		
Domestic beet sugar	1,800,000	(100,000)		[1] 1,700,000	
Mainland cane sugar	500,000	9,760		509,760	
Hawaii	1,052,000	20,536		1,072,536	20,010
Puerto Rico	1,080,000	21,083		1,101,083	120,033
Virgin Islands	12,000	234		12,234	0
Philippines, Republic of	974,000		(100,000)	[1] 874,000	59,020
Cuba	2,478,720	48,387	96,000	2,623,107	376,000
Other foreign countries	103,280		4,000	107,280	35,116
Total	8,000,000			8,000,000	

PRORATION OF QUOTA FOR "OTHER FOREIGN COUNTRIES"

Production area	Basic quotas	Deficit prorations		Adjusted quota [2]
		El Salvador	Philippines	
Dominican Republic	25,647	991	1,032	27,670
El Salvador	3,813	(3,813)	0	[3] 0
Haiti	2,482	96	100	2,678
Mexico	10,634	411	428	11,473
Nicaragua	7,269	281	292	7,842
Peru	48,241	1,864	1,940	52,045
Not prorated	5,164	200	208	[3] 5,572
Total	103,280		4,000	107,280

[1] In accordance with section 204 (c) of the act, basic quotas are not reduced by determinations of deficits.

[2] See § 813.45 (b) (2) for quantities which may be entered as direct-consumption sugar.

[3] Any country not receiving a specific proration of the quota may enter not more than 1,073 short tons, raw value, against this unprorated portion.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup. 1153. Interpret or apply sec. 204, as amended, 61 Stat. 925; 7 U. S. C. Sup. 1114)

Done at Washington, D. C., this 22d day of September 1953. Witness my hand and the seal of the Department of Agriculture.

[SEAL]

JOHN H. DAVIS,
Assistant Secretary of Agriculture.

[F. R. Doc. 53-8246; Filed, Sept. 24, 1953; 8:50 a. m.]

Subchapter H—Determination of Wage Rates

[Sugar Determination 864.1]

PART 864—WAGES; SUGARCANE; LOUISIANA HARVESTING; 1953 CROP; PRODUCTION AND CULTIVATION; CALENDAR YEAR 1954

Part 864 is revised to read as set forth herein. This revision includes the subject matter formerly carried in Parts 864 and 865.

Pursuant to the provisions of section 301 (c) (1) of the Sugar Act of 1948, as amended, (herein referred to as "act") after investigation, and consideration of the evidence obtained at the public hearing held in Thibodaux, Louisiana, on July 16, 1953, the following determination is hereby issued:

§ 864.1 *Fair and reasonable wage rates for persons employed in Louisiana in the harvesting of the 1953 crop of sugarcane and production and cultivation of sugarcane during the calendar year 1954*—(a) *Requirements.* The requirements of section 301 (c) (1) of the act shall be deemed to have been met with respect to the harvesting of the 1953 crop of sugar and the production and cultivation of sugarcane during the calendar year 1954, if the producer complies with the following:

(1) *Wage rates.* All persons employed on the farm shall have been paid in full for all such work and shall have been paid wages in cash therefor at rates as agreed upon between the producer and the laborer but, after the date of issuance of this determination with respect to harvesting of the 1953 crop, and after December 31, 1953, with respect to production and cultivation of sugarcane during the calendar year 1954, not less than the following:

(i) *Basic wage rates and adjustments for sugar price changes.* When the average price of raw sugar is within the base price range of $5.60 to $6.00, inclusive, per one hundred pounds for the four-week period immediately preceding the four-week period during which the work is performed, and for each full 10 cents that such price shall average more than $6.00 or less than $5.60 per one hundred pounds, the day and piecework wage rates in the following table shall be applicable:

WAGE RATES AND RAW SUGAR PRICE RANGES [1]

	Price ranges: 4-week average price of 100 pounds of raw sugar						
At least	$5.201	$5.301	$5.401	$5.501	$6.100	$6.200	$6.300
But not more than	5.300	5.400	5.500	6.099	6.199	6.299	6.399
CLASS OF WORKER OR OPERATION	Adjusted basic rates			Basic rates	Adjusted basic rates		
Harvest of 1953 crop:							
Wage rates per 9-hour day for adult workers:							
Cutters, toppers, strippers, scrappers	$3.895	$3.940	$4.015	$4.050	$4.120	$4.220	$4.320
Loaders, grabmen, spotters, ropeman	4.555	4.600	4.705	4.760	4.830	4.930	5.030
Cutters and loaders, pilers, hoist operators	4.075	4.150	4.225	4.300	4.400	4.500	4.600
Tractor drivers, truck drivers	4.655	4.700	4.805	4.850	4.950	5.050	5.150
Teamsters	4.445	4.520	4.595	4.670	4.770	4.870	4.970
Operators of mechanical loading or harvesting equipment	5.075	5.150	5.225	5.300	5.400	5.500	5.600
All other harvesting workers	3.345	3.420	3.495	3.570	3.670	3.770	3.870
Piecework rates per ton for all workers:							
Large barrel varieties: [2]							
Cutting top and bottom, and stripping	1.345	1.370	1.395	1.420	1.4375	1.4750	1.5125
Cutting top and bottom	.845	.860	.875	.890	.9125	.9250	.9375
Loading	.445	.450	.455	.460	.4675	.4750	.4825
Cutting top and bottom, stripping and loading	1.790	1.820	1.850	1.880	1.9250	1.9700	2.0150
Cutting top and bottom and loading	1.290	1.310	1.330	1.350	1.3900	1.4100	1.4300
Small barrel varieties: [2]							
Cutting top and bottom, and stripping	1.040	1.070	1.100	1.130	1.1750	1.2200	1.2650
Cutting top and bottom	1.040	1.060	1.080	1.100	1.1300	1.1600	1.1900
Loading	.530	.540	.550	.560	.5750	.5900	.6050
Cutting top and bottom, stripping and loading	2.170	2.210	2.250	2.290	2.3500	2.4100	2.4700
Cutting top and bottom and loading	1.570	1.600	1.630	1.660	1.7050	1.7500	1.7950
Production and cultivation, calendar year 1954:							
Wage rates per 9-hour day for adult workers:							
Tractor drivers	4.100	4.150	4.200	4.250	4.325	4.400	4.475
All other production and cultivation workers	3.260	3.310	3.360	3.410	3.485	3.560	3.635

[1] For each successive full 10-cent price change above $5.30 or below $5.30, the wage rates shall be increased or decreased correspondingly, by the same amounts as shown above for each full 10-cent price change.
[2] Large barrel varieties: Co. 290, C. P. 29/103; C. P. 29/116; C. P. 32/243; C. P. 36/13; C. P. 36/103; C. P. 39/130; C. P. 42/47; C. P. 44/101; and C. P. 44/155. Small barrel varieties: All other.

(ii) *Workers between 14 and 16 years of age when employed on a day basis.* For workers between 14 and 16 years of age, the wage rate per 8-hour day (maximum employment is 8 hours per day for such workers without deduction from Sugar Act payments to the producer) shall be not less than three-fourths of the applicable day wage rate for adults provided under subdivision (i) of this subparagraph.

(iii) *Hourly rates.* Where workers are employed on an hourly basis, the wage rate per hour shall be determined by dividing the applicable day wage rate in subdivision (i) of this subparagraph by 9 in the case of adult workers, and three-fourths of such rate by 8 in the case of workers between 14 and 16 years of age.

(iv) *Other piecework rates.* The piecework rate for any operation specified in subdivision (i) of this subparagraph, when performed on a unit basis other than a ton, or the piecework rate for any operation not specified shall be that as agreed upon between the producer and the worker: *Provided,* That for such agreed upon piecework rate the hourly rate of earnings of each worker, for the time involved, shall be not less than the applicable hourly rate specified in subdivision (iii) of this subparagraph.

(v) *Determination of average sugar prices.* The four-week average price of raw sugar shall be determined by taking the simple average of the daily "spot" quotations of 96° raw sugar of the Louisiana Sugar Exchange, Inc., adjusted to a one hundred pound basis; except that if the Director of the Sugar Branch determines that for any four-week period such average price does not reflect the true market value of raw sugar, because of inadequate volume, failure to report sales in accordance with the rules of such Exchange or other factors, the Director may designate the average price to be effective under this determination. For the purpose of this determination, the average price of raw sugar prevailing during the period from August 21 through September 17, 1953, shall determine the wage rates from September 18 through October 15, 1953, and thereafter the wage rates in successive four-week periods shall be determined by the average price of raw sugar prevailing in the immediately preceding four-week period.

(2) *Compensable working time.* For work performed under subparagraph (1) of this paragraph, compensable working time includes all time which the worker spends in the performance of his duties except time taken out for meals during the work day. Compensable working time commences at the time the worker is required to start work. If the worker is required by the producer to report to a place other than the field, such as an assembly point, stable, tractor shed, etc., time spent in transit to the field is compensable working time. Any time spent in performing work directly related to the principal work performed by the worker such as servicing equipment, is compensable working time. Time of the worker while being transported from a central recruiting point or labor camp to the farm is not compensable working time. Compensable working time ends upon completion of work in the field except for the operator of mechanical equipment, the driver of animals or any other class of worker who is required by the producer to return to a designated place on the farm. In such cases, time spent in transit to such point is compensable working time.

(3) *Equipment necessary to perform work assignment.* The producer shall furnish without cost to the worker any equipment required in the performance of any work assignment. However, a charge may be made for equipment furnished any worker for the cost of such equipment in the event of its loss or destruction through negligence of the worker. Equipment includes, but is not limited to, hand and mechanical tools and special wearing apparel, such as boots and raincoats, required to discharge the work assignment.

(4) *Perquisites.* In addition to the foregoing, the producer shall furnish to the laborer, without charge, the perquisites customarily furnished by him, such as a habitable house, medical attention, and similar items.

(b) *Subterfuge.* The producer shall not reduce the wage rates to laborers below those determined herein through any subterfuge or devise whatsoever.

(c) *Claim for unpaid wages.* Any person who believes he has not been paid in accordance with this determination may file a wage claim with the local County Production and Marketing Administration Committee against the producer on whose farm the work was performed. Such claim must be filed within two years from the date the work with respect to which the claim is made was performed. Detailed instructions and wage claim forms are available at the office of the local County Committees of the Production and Marketing Administration. Upon receipt of a wage claim the County Committee shall thereupon notify the producer against whom the claim is made concerning the representation made by the laborer, and, after making such investigation as it deems necessary, notify the producer and laborer in writing of its recommendation for settlement of the claim. If either party is not satisfied with the recommended settlement, an appeal may be made to State Committee of the Production and Marketing Administration, 1517 Sixth Street, Alexandria, Louisiana, which shall likewise consider the facts and notify the producer and laborer in writing of its recommendation for settlement of the claim. If the recommendation of the State Committee is not acceptable, either party may file an appeal with the Director of the Sugar Branch, Production and Marketing Administration, U. S. Department of Agriculture, Washington 25, D. C. All such appeals shall be filed within fifteen days after receipt of the recommended settlement from the respective committee, otherwise such recommended settlement will be applied in making payments under the act. If a claim is appealed to the Director of the Sugar Branch, his decision shall be binding on all parties insofar as payments under the act are concerned.

STATEMENT OF BASES AND CONSIDERATIONS

a. *General.* The foregoing determination provides fair and reasonable wage rates which a producer in Louisiana must pay, as a minimum, for work performed by persons employed on the farm in the harvesting of the 1953 crop of sugarcane and in the production and cultivation of sugarcane during the 1954 calendar year, as one of the conditions for payment under the act.

b. *Requirements of the act and standards employed.* In determining fair and reasonable wage rates the act requires that a public hearing be held, that investigations be made, and that consideration be given to (1) the standards formerly established by the Secretary under the Agricultural Adjustment Act, as amended, and (2) the differences in conditions among various sugar producing areas.

A public hearing was held in Thibodaux, Louisiana, on July 16, 1953, at which interested persons presented testimony with respect to fair and reasonable wage rates for harvesting the 1953 crop of sugarcane and for the production and cultivation of sugarcane during the calendar year 1954. In addition, investigations have been made of the conditions affecting wage rates in Louisiana. In this determination the primary factors which have been considered are (1) cost of living; (2) prices of sugar and by-products; (3) income from sugarcane; and (4) cost of production. Other economic influences also have been considered.

c. *1953 harvest and 1954 production and cultivation wage determination.* This determination brings together the wage rates for harvesting and production and cultivation work which have heretofore been covered by two determinations. This determination differs from the 1952 harvest and 1953 production and cultivation wage determinations in the following respects: (1) Day rates for adult workers and piecework rates are increased five percent at the base price range; (2) specific wage rates for workers between 14 and 16 years of age, employed in production and cultivation work, are now established at rates not less than three-fourths of the respective adult rates; (3) compensable working time is specified, and (4) requirements are established for furnishing the equipment necessary to perform work assignments.

At the public hearing representatives of producers recommanded an increase of five percent in basic time rates; the continuance of separate determinations for harvesting and for production and cultivation work; the continuance of rates per 9-hour day; clarification of the provision with respect to compensable working time; and that the determination not include a provision requiring producers to furnish working tools to workers free of charge. A representative of one labor union recommended a minimum wage, with no seasonal differential, of 75 cents per hour for unskilled workers and $1.00 per hour for tractor drivers and workers of similar skills; that the wage-price escalator be discontinued; that the determination continue to provide a rate per 9-hour day; that the furnishing of hand tools and equipment be the responsibility of the employer; and that compensable time begin and end at the assembly point for workers. Another labor union representative generally concurred in this position, although he expressed a preference for hourly rates instead of 9-hour day rates and one determination covering harvest and production and cultivation work. Social service workers at the hearing urged improvements in workers' annual earnings, working conditions and housing standards.

Consideration has been given to the recommendations and supporting testimony presented at the public hearing, to the standards customarily considered in wage determinations, to information obtained through investigation and to the returns, costs and profits of sugarcane producers. The analysis indicates that the proposed wage increase will be within producers' ability to pay in view of the continuing improvement in production efficiencies in the area. The increase in time wage rates corresponds to the recommendation of producer representatives. Piecework rates are increased in the same proportion to retain the same relationship. The economic position of the average producer does not permit an increase in wage rates of the proportions recommended by representatives of labor.

The consolidation of wage rates for harvesting and production and cultivation work into one determination is in conformity with the practice in all other areas. The primary objection of the representative of producers was that a consolidation of the two determinations would result in the establishment of wage rates for production and cultivation two to three months earlier and therefore would not permit the Department to give consideration to any substantial changes in economic conditions which might occur in the meantime. Since the determination includes a wage-price escalator, wage rates are responsive to changes in sugar prices which affect the income of producers.

The specifications regarding compensable working time and the furnishing of equipment are deemed necessary so that producers and workers may have full knowledge of these requirements. Investigation in the Louisiana sugarcane area disclosed considerable variation in practices resulting in confusion and misunderstandings among producers and workers.

The provision for a proportionate rate for workers 14 to 16 years of age in production and cultivation work makes the rate pattern uniform with the harvesting schedule. It permits variable rates of pay to such workers based upon the adult job classification rather than a single rate fixed solely by age group.

After consideration of all factors, the wage rates and other provisions in this determination are deemed to be fair and reasonable.

Accordingly, I hereby find and conclude that the foregoing wage determination will effectuate the wage provisions of the Sugar Act, as amended.

(Sec. 403, 61 Stat. 932; 7 U. S. C. Sup. 1153. Interprets or applies sec. 301, 61 Stat. 929; 7 U. S. C. Sup. 1131)

Issued this 22d day of September 1953.

[SEAL] JOHN H. DAVIS,
Assistant Secretary of Agriculture.

[F. R. Doc. 53-8245; Filed, Sept. 24, 1953; 8:50 a. m.]

PART 865—SUGARCANE (HARVESTING), LOUISIANA

SUPERSEDURE OF PART

CROSS REFERENCE: For supersedure of this part see Part 864 of this subchapter, *supra.*

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 950—PEACHES GROWN IN UTAH

EXPENSES AND RATE OF ASSESSMENT FOR 1953–54 FISCAL YEAR

Notice was published in the September 2, 1953, daily issue of the FEDERAL REGISTER (18 F R. 5304) that consideration was being given to proposals regarding the expenses and the fixing of the rate of assessment for the 1953–54 fiscal year under the marketing agreement and Order No. 50 (7 CFR Part 950) regulating the handling of peaches grown in Utah, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.)

After consideration of all relevant matters presented, including the proposals set forth in the aforesaid notice which were submitted by the Administrative Committee (established pursuant to said marketing agreement and order), it is hereby found and determined that:

§ 950.203 *Expenses and rate of assessment for the 1953–54 fiscal year*—(a) *Expenses.* Expenses that are reasonable and likely to be incurred by the Administrative Committee, established pursuant to the provisions of the aforesaid marketing agreement and order, to enable such committee to perform its functions, in accordance with the provisions thereof, during the fiscal year beginning May 1, 1953, will amount to $2,250.00.

(b) *Rate of assessment.* The rate of assessment, which each handler who first ships peaches shall pay as his pro rata share of the aforesaid expenses in accordance with the applicable provisions of said marketing agreement and order is hereby fixed at two and one-half cents ($0.025) per bushel basket of peaches, or an equivalent quantity of peaches in other containers or in bulk, shipped by such handler during said fiscal year.

It is hereby further found that it is impracticable and contrary to the public interest to postpone the effective time until 30 days after publication in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that (1) in accordance with the provisions of said marketing agreement and order, the rate of assessment is applicable to all peaches shipped during the 1953–54 fiscal year; (2) such shipments are subject to the regulatory provisions of Peach Order 1 (7 CFR 950.303; 18 F R. 4701), (3) the provisions of this section do not impose any obligation on a handler until such handler ships peaches; and (4) it is essential that the specification of the assessment rate be issued immediately so that the aforesaid assessments may be col-

lected and thereby enable said Administrative Committee to perform its duties and functions in accordance with said marketing agreement and order.

As used in this section, the terms "handler," "ships," "shipped," "shipments," "peaches," and "fiscal year" shall have the same meaning as when used in said marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 22d day of September 1953.

[SEAL] JOHN H. DAVIS,
Assistant Secretary of Agriculture.

[F. R. Doc. 53-8243; Filed, Sept. 24, 1953; 8:49 a. m.]

PART 968—MILK IN THE WICHITA, KANSAS, MARKETING AREA

MINIMUM PRICES; CLASS III MILK

Pursuant to the applicable provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 1940 ed. 601 et seq.) hereinafter referred to as the "act" and of the order, as amended, regulating the handling of milk in the Wichita, Kansas, marketing area, hereinafter referred to as the "order" it is hereby found and determined that a certain provision of § 968.50 (c) (1) of the order does not tend to effectuate the declared policy of the act with respect to all milk subject to the provisions of the order from the effective date hereof through October 31, 1953.

It is hereby found and determined that notice of proposed rule making and public procedure thereon in connection with the issuance hereof is impracticable, unnecessary and contrary to the public interest, in that the (1) information upon which this action is based did not become available in sufficient time for such compliance; (2) the issuance of this suspension order effective as set forth below is necessary to reflect current marketing conditions and to facilitate, promote and maintain the orderly marketing of milk produced for the said marketing area, and (3) this action will immediately relieve certain restrictions imposed upon certain milk by the order. The changes caused by this suspension order do not require of persons affected substantial or extensive preparation prior to its effective date.

It is therefore ordered, That the following provision of the order be and it is hereby suspended from the effective date of this order through October 31, 1953: In § 968.50 (c) (1) the provision "for each of the delivery periods of April, May, June, and July only."

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. 608c)

Done at Washington, D. C., this 22d day of September 1953, to be effective immediately.

[SEAL] JOHN H. DAVIS,
Assistant Secretary of Agriculture.

[F. R. Doc. 53-8242; Filed, Sept. 24, 1953; 8:49 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Bureau of Animal Industry, Department of Agriculture

PART 51—TUBERCULOSIS, PARATUBERCULOSIS, AND BANG'S DISEASE REACTING CATTLE

LIMITATIONS ON PAYMENTS FOR CATTLE DESTROYED (BRUCELLOSIS)

There has been published in the FEDERAL REGISTER an amendment dated September 21, 1953, and effective September 23, 1953 (18 F. R. 5661) to Title 9, CFR, Chapter 1, Part 51, § 51.2, placing a limitation of $9 (Nine Dollars) for any grade animal and $18 (Eighteen Dollars) for any purebred animal, on payments for cattle destroyed because affected with Bang's Disease (Brucellosis)

It is the intention of the Department that this limitation on payments affect only animals appraised on and after September 23, 1953, and shall not be applicable to prior appraisals whenever slaughter may take place.

Done at Washington, D. C., this 23d day of September 1953.

[SEAL] J. EARL COKE,
Assistant Secretary of Agriculture.

[F. R. Doc. 53-8271; Filed, Sept. 23, 1953; 4:18 p. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 4—DEPENDENTS AND BENEFICIARIES CLAIMS

COMMENCEMENT OF ORIGINAL AWARDS OF DEATH PENSION OR COMPENSATION

1. In § 4.77, paragraph (g) is amended to read as follows:

§ 4.77 *Death pension or compensation payable solely by virtue of certain amendatory laws.* * * *

(g) *Correction of military records.* (1) The date of commencement of original awards of death pension or compensation payable solely as a result of the findings of a board of review established under section 301, Public Law 346, 78th Congress, or a board for the correction of military (or naval) records established under section 207, Public Law 601, 79th Congress, as amended by Public Law 220, 82d Congress, will be the date authorized by the law under which pension or compensation is payable but not prior to:

(i) The date of the finding of the board of review or, if the finding was approved by the Secretary of the service department concerned, the date of such approval;

(ii) The date on which the Secretary of the service department concerned approved the finding of the board for correction of military (or naval) records.

(2) The date of commencement of original awards of death pension or compensation payable solely as a result of an administrative determination made by the service departments, other than through boards of review or corrections, based on new evidence or change in policy and views, or both, involving character of discharge, active duty status, line of duty or willful misconduct, will be the date authorized by the law under which pension or compensation is payable but not prior to the date of the corrected report or date of recertification.

2. In § 4.78, that portion of paragraph (b) preceding subparagraph (1) is amended to read as follows:

§ 4.78 *World War II; Public No. 2, 73d Congress, as amended.* * * *

(b) Effective December 7, 1941, in a claim predicated on the service of a person who was on active duty status (See § 3.59 (c) of this chapter) at the time of death, where a report of death or finding of death has been made by the Secretary of the Army or the Secretary of the Navy and the person was reported missing or missing in action, interned in a neutral country, captured by an enemy, beleaguered or besieged, as contemplated by Public Law 490, 77th Congress, as amended, or the claim for death compensation was filed more than 1 year after the date of (actual) death, an original award of death compensation shall commence:

* * * * *

(Sec. 5, 43 Stat. 603, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707)

This regulation is effective September 25, 1953.

[SEAL] H. V. STIPLING,
Deputy Administrator.

[F. R. Doc. 53-8233; Filed, Sept. 24, 1953; 8:48 a. m.]

TITLE 45—PUBLIC WELFARE

Chapter IV—Office of Vocational Rehabilitation, Department of Health, Education, and Welfare

PART 405—APPORTIONMENT OF THE APPROPRIATION FOR VOCATIONAL REHABILITATION FOR THE FISCAL YEAR 1954

Pursuant to the authority conferred by Title II of Pub. Law 170, 83d Cong., the following regulations are prescribed with respect to the apportionment of the appropriation for vocational rehabilitation among the States for the fiscal year 1954.

Sec.
405.1 General.
405.2 Final apportionment.
405.3 Terms.

AUTHORITY: §§ 405.1 to 405.3 issued under Title II, Pub. Law 170, 83d Cong.

§ 405.1 *General.* (a) The final amount available for apportionment among the States shall be the sum appropriated for the fiscal year 1954 for payments to the States remaining after payment of amounts certified to be due for prior fiscal years and deduction of the amount, not to exceed $195,000, for the program in the District of Columbia.

(b) Upon determination of the final amount available for apportionment,

which shall be not later than October 31, 1953, a final apportionment determined as provided in § 405.2, shall be made to each State for the fiscal year 1954. The estimating, certifying and paying procedures under section 3 (c) of the act are not affected by this part, except that the total of such estimates, certifications and payments to any State for the fiscal year 1954 shall not exceed such State's final apportionment, which shall be the maximum limit of the obligation of the United States under the act to any State for such year.

§ 405.2 *Final apportionment.* (a) Final apportionment for each State shall be the sum of:

(1) Ninety-two and one-half percent of the amount of the Federal share of the State's expenditures for the fiscal year 1953 as determined after final settlement; and

(2) The amount, if any, calculated under paragraph (b) of this section.

(b) The amount referred to in paragraph (a) (2) of this section shall be determined as follows:

(1) Prior to final apportionment the Director shall estimate on the basis of information available to him, the amounts of State and local funds which will be expended from funds available for the fiscal year 1954 in any State for such State's share of program expenditures, which are in excess of the amounts so expended in such State for the fiscal year 1953. He shall then determine and record for each such State that percentage which the funds so found available in such State bear to the aggregate of such funds in all States.

(2) The Director shall then assign to each State for which a percentage has been determined pursuant to this paragraph an amount equal to such State's percentage of the final amount available for apportionment after satisfying the requirements of paragraph (a) (1) of this section.

§ 405.3 *Terms.* The terms "State" "act" and "Director" as used in §§ 405.1 and 405.2, have the same meaning as that assigned to them in Part 401 of this chapter.

Dated: September 18, 1953.

[SEAL] OVETA CULP HOBBY, *Secretary.*

[F. R. Doc. 53-8225; Filed, Sept. 24, 1953; 8:47 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter B—Carriers by Motor Vehicle

[Ex Parte MC-43]

PART 207—LEASE AND INTERCHANGE OF VEHICLES

AUTHORIZED CARRIERS OF HOUSEHOLD GOODS

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 10th day of June A. D. 1953.

Upon further consideration of the record in the above-entitled proceeding, and of:

(1) Petition of Movers Conference of America, dated March 28, 1953, for stay of order of May 8, 1951, reconsideration and exemption from leasing and interchange rules of equipment used in the transportation of household goods;

(2) Petition of Greyvan Lines, Inc., dated March 24, 1953, for exemption from rules, other than those relative to inspection and identification of equipment;

(3) Petition of Atlas Van Lines, Inc., and 48 others, dated January 26, 1953, for exemption from § 207.4 (a) (5) of the rules, pending determination of No. MC-F-5348, Atlas Van Lines, Inc.-Pooling;

(4) Reply of Class I Railroads of America, dated April 2, 1953, to the extent applicable to the above petitions;

(5) Reply of International Brotherhood of Teamsters-Chauffeurs-Warehousemen & Helpers of America, filed April 6, 1953, to the extent applicable to the above petitions;

It appearing that it is desirable in the public interest to defer the effectiveness of certain of the rules and regulations prescribed herein by order of May 8, 1951, as subsequently modified by our orders of May 18, 1953, insofar as the same may apply to the lease and interchange of equipment by authorized carriers of household goods as defined by the Commission, pending further study of the effect of such rules and regulations upon the operations of such carriers; and good cause appearing therefor•

It is ordered, That the order entered in this proceeding May 8, 1951, as modified by our order of May 18, 1953, to become effective September 1, 1953, be, and the same is hereby, further modified, but only insofar as the same applies to authorized carriers of household goods, as defined by this Commission, to become effective July 1, 1954,

It is further ordered, That this order shall become effective on September 1, 1953.

Notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C. and by filing a copy with the director, Division of the Federal Register.

(49 Stat. 546, as amended; 49 U. S. C. 304)

By the Commission.

[SEAL] GEORGE W LAIRD, *Acting Secretary.*

[F. R. Doc. 53-8227; Filed, Sept. 24, 1953; 8:47 a. m.]

PROPOSED RULE MAKING

CIVIL AERONAUTICS BOARD

[14 CFR Parts 3, 6]

POSITION LIGHTS FOR CERTAIN AIRCRAFT

INSTALLATION, DISTRIBUTION AND INTENSITIES

Pursuant to authority delegated by the Civil Aeronautics Board to the Bureau of Safety Regulation, notice is hereby given that the Bureau will propose to the Board amendments to Parts 3 and 6 of the Civil Air Regulation in substance as hereinafter set forth.

Interested persons may participate in the making of the proposed rules by submitting such written data, views, or arguments as they may desire. Communications should be submitted in duplicate to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. In order to insure their consideration by the Board before taking further action on the proposed rules, communications must be received by October 26, 1953. Copies of such communications will be available after October 28, 1953, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

On January 2, 1953, the Bureau of Safety Regulation issued as a notice of proposed rule making and circulated as Draft Release No. 52-35, dated December 31, 1952, a proposed special regulation which would permit position light flasher units not complying with the currently effective provisions of Parts 3 or 6 of the Civil Air Regulations but approved prior to January 15, 1951, to be eligible for installation on aircraft types subject to compliance with Parts 3 or 6 of the Civil Air Regulations as effective on January 15, 1951. Draft Release No. 52-35 also indicated that an investigation was being undertaken to determine the effect on safety of extending the frequency range prescribed in the present standards for flashing position lights. Although initially limited in scope, this investigation was later expanded to encompass also a study of position light intensity requirements. From the results of the investigation, it appears that the present requirements for position lights for Parts 3 and 6 type aircraft are in need of revision.

With respect to the flashing rates and on-off ratios, recent demonstrations appeared to indicate that the requirements presently prescribed in Parts 3 and 6 are more restrictive than necessary. These demonstrations indicated that a satisfactory flashing light is obtained with flashing rates of 60 to 120 fpm and with on-off ratios of from 1:1 to 2.5:1. The present standards prescribe flashing rates of 60 to 100 fpm and on-off ratios of 1.1 to 2:1. It was noted from the observations made, that no noticeable decrease in overall conspicuity occurred as the flashing rate was increased up to 120 fpm since the higher flashing rates increased the effectiveness of arresting attention and thereby offset to a large degree any decrease in apparent inten-

sity. It was also noted that a high on-off ratio at the higher flashing rates tended to increase apparent intensity and that a high on-off ratio at lower flashing rates was desirable since the reduction in "off" time permitted determination of position with greater ease. This proposal, therefore, prescribes that where a flasher is used, it shall energize the system at from 60 to 120 fpm with an on-off ratio of from 1:1 to 2.5:1.

In reviewing the present requirements relating to the intensity of position lights, it appears that these requirements for Parts 3 and 6 type aircraft are below the standards necessary for minimum safety. Therefore, the Bureau of Safety Regulation is proposing that the intensity standards for Parts 3 and 6 type aircraft conform with those presently prescribed in Part 4b. The effect of this proposal with respect to intensity is to increase the intensity requirements of the present standards fivefold and thus improve the visibility range by over twofold. From a practical point of view, however, it appears that this proposed change may be of only slight significance and should not result in hardship, since it is understood that the forward position lights currently used on Part 3 and Part 6 type aircraft have the same intensity and distribution as those used on transport type airplanes. There is some question, however, as to whether currently used tail light fixtures on Part 3 and Part 6 type aircraft can accommodate bulbs which meet the Part 4b intensity requirements for the white tail light; and, if not, whether there is such a tail light fixture available which would be satisfactory for installation on such aircraft. In view of this, the Bureau particularly desires to receive comments relative to any hardship which might result by reason of increasing the intensity requirements for position lights on new designs of Part 3 and Part 6 type aircraft.

Accordingly, notice is hereby given that it is proposed to amend Part 3 and Part 6 of the Civil Air Regulations as follows:

1. By amending § 3.700 (e) of Part 3 and § 6.632 (e) of Part 6 by deleting the numerals 100 and 2:1 and substituting in lieu thereof the numerals 120 and 2.5:1, respectively.

2. By amending § 3.702 of Part 3 and § 6.634 of Part 6 to provide that the intensity and distribution requirements for the forward red and green lights and the rear white light are the same as the presently effective requirements prescribed for these lights in Part 4b of the Civil Air Regulations.

These amendments are proposed under the authority of Title VI of the Civil Aeronautics Act of 1938, as amended. The proposals may be changed in the light of comments received in response to this notice of proposed rule making.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601–610, 52 Stat. 1007–1012; 49 U. S. C. 551–560)

Dated September 21, 1953, at Washington, D. C.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN, *Director.*

[F. R. Doc. 53-8248; Filed, Sept. 24, 1953; 8:51 a. m.]

[14 CFR Parts 4b, 40, 41, 42]

SMOKE AND FIRE DETECTORS

PROPOSED SPECIAL CIVIL AIR REGULATION

On September 4, 1953, the Bureau of Safety Regulation circulated Draft Release No. 53–18 and published as a notice of proposed rule making in the FEDERAL REGISTER on September 9, 1953 (18 F. R. 5435) a proposal which would supersede present Special Civil Air Regulation SR–329 and would terminate in one year the waiver of the requirements for installation of smoke and fire detectors. Reference is made to the notice dated September 9, 1953, and Draft Release No. 53–18 for a full explanation of the purpose and background of the proposed rule.

The September 9, 1953, notice indicated that interested persons desiring to participate in the making of the proposed rule should submit comment thereon to the Board prior to September 21, 1953. Meanwhile, interested persons have requested that the time for submission of comment be extended in order to permit further analysis of the effect of the proposed rule. In view of the foregoing, the Bureau is extending the time for submission of comment, and written comments submitted prior to November 2, 1953, will be considered by the Board before taking final action on the proposed rule. Comments should be submitted in duplicate and addressed to the Civil Aeronautics Board, attention Bureau of Safety Regulation, Washington 25, D. C. Copies of such communications will be available after November 4, 1953, for examination by interested persons at the Docket Section of the Board, Room 5412, Department of Commerce Building, Washington, D. C.

(Sec. 205, 52 Stat. 984; 49 U. S. C. 425. Interpret or apply secs. 601–610, 52 Stat. 1007–1012, as amended; 49 U. S. C. 551–560)

Dated September 18, 1953, at Washington, D. C.

By the Bureau of Safety Regulation.

[SEAL] JOHN M. CHAMBERLAIN, *Director*

[F. R. Doc. 53-8247; Filed, Sept. 24, 1953; 8:51 a. m.]

NOTICES

DEPARTMENT OF DEFENSE

Office of the Secretary

STATEMENT OF AREAS OF UNDERSTANDING BETWEEN DEPARTMENT OF DEFENSE AND DEPARTMENT OF COMMERCE WITH RESPECT TO TRANSFER OF CERTAIN DEFENSE ACTIVITIES FROM NATIONAL BUREAU OF STANDARDS TO DEPARTMENT OF DEFENSE

By virtue of the authority vested in each of us under 5 U. S. C. 22, and in the interests of national defense and the internal management of the Government, the following areas of understanding are set forth:

1. All records, property, personnel, and other related activities of the ordnance research and development programs of the National Bureau of Standards, which shall include but not be limited to all or portions of the Ordnance Development Division (Division 13) the Electromechanical Division (Division 16) the Electronic Ordnance Division (Division 17) Section 2 of the Electronics Division (Division 12) Section 5 of the Electricity Division (Division 1) a proportionate number of supporting personnel now located in the administrative divisions, and all contracts relating to the performance of such activities shall be transferred from the Department of Commerce to the Department of Defense, or to such agency or agencies thereof as the Secretary of Defense shall designate, effective on 27 September 1953, or as soon thereafter as possible. Appropriate adjustments and transfers in fiscal accounts and funds will be accomplished, consonant with law, by mutual agreement between the two departments concerned.

2. All records, property, personnel, and other related activities at the Corona Laboratories of the National Bureau of Standards, located at Corona, California, shall be transferred from the Department of Commerce to the Department of Defense, or to such agency or agencies thereof as the Secretary of Defense shall designate, effective on 27 September 1953, or as soon thereafter as possible. Appropriate adjustments and transfers in fiscal accounts and funds will be accomplished, consonant with law, by mutual agreement between the two departments concerned.

3. All actions taken pursuant to this agreement will be consonant with applicable procedures approved by other appropriate Government agencies, including, but not limited to, the General Services Administration, Civil Service Commission, General Accounting Office, and Bureau of the Budget. Insofar as possible, (1) transfers of property shall be without reimbursement, (2) transfer of personnel shall be made in such manner as to keep intact the scientific and engineering personnel now engaged in the activities and divisions above mentioned.

4. Such further measures as may be determined by the Department of De-

fense, the Department of Commerce and other Government agencies involved to be necessary to effectuate the purposes and provisions of this understanding shall be carried out in such manner as is mutually agreed upon.

CHARLES E. WILSON,
Secretary of Defense.

SEPTEMBER 10, 1953.

SINCLAIR WEEKS,
Secretary of Commerce.

SEPTEMBER 15, 1953.

[F. R. Doc. 53-8213; Filed, Sept. 24, 1953; 8:45 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

ANGELINA D'ADDIO

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of the publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Angelina D'Addio, S. Agata dei Goti, Benevento, Italy; Claim No. 44821; $345.20 in the Treasury of the United States.

Executed at Washington, D. C., on September 21, 1953.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 53-8232; Filed, Sept. 24, 1953; 8:48 a. m.]

DEPARTMENT OF THE INTERIOR

Office of the Secretary

AREAS WITHIN THE OUTER CONTINENTAL SHELF

NOTICE TO HOLDERS OF STATE LEASES

The holder of any mineral lease for submerged lands within the outer Continental Shelf as defined in the "Outer Continental Shelf Lands Act" of August 7, 1953, Public Law No. 212, who desires to have his lease continued as provided in section 6 of that act should file his lease or a true copy thereof and any other documents with the Director, Bureau of Land Management, and otherwise comply with the provisions of that section of the act before the close of business on November 5, 1953.

Section 6 reads as follows:

SEC. 6. *Maintenance of leases on outer Continental Shelf.* (a) The provisions of this section shall apply to any mineral lease covering submerged lands of the outer Continental Shelf issued by any State (including any extension, renewal, or replacement thereof heretofore granted pursuant to such lease or under the laws of such State) if—

(1) Such lease, or a true copy thereof, is filed with the Secretary by the lessee or his duly authorized agent within ninety days from the effective date of this act, or within such further period or periods as provided in section 7 hereof or as may be fixed from time to time by the Secretary;

(2) Such lease was issued prior to December 21, 1948, and would have been on June 5, 1950, in force and effect in accordance with its terms and provisions and the law of the State issuing it had the State had authority to issue such lease;

(3) There is filed with the Secretary, within the period or periods specified in paragraph (1) of this subsection, (A) a certificate issued by the State official or agency having jurisdiction over such lease stating that it would have been in force and effect as required by the provisions of paragraph (2) of this subsection, or (B) in the absence of such certificate, evidence in the form of affidavits, receipts, canceled checks, or other documents that may be required by the Secretary, sufficient to prove that such lease would have been so in force and effect;

(4) Except as otherwise provided in section 7 hereof, all rents, royalties, and other sums payable under such lease between June 5, 1950, and the effective date of this act, which have not been paid in accordance with the provisions thereof, or to the Secretary or to the Secretary of the Navy, are paid to the Secretary within the period or periods specified in paragraph (1) of this subsection, and all rents, royalties, and other sums payable under such lease after the effective date of this act, are paid to the Secretary, who shall deposit such payments in the Treasury in accordance with section 9 of this act;

(5) The holder of such lease certifies that such lease shall continue to be subject to the overriding royalty obligations existing on the effective date of this act;

(6) Such lease was not obtained by fraud or misrepresentation;

(7) Such lease, if issued on or after June 23, 1947 was issued upon the basis of competitive bidding;

(8) Such lease provides for a royalty to the lessor on oil and gas of not less than 12½ per centum and on sulphur of not less than 5 per centum in amount or value of the production saved, removed, or sold from the lease, or, in any case in which the lease provides for a lesser royalty, the holder thereof consents in writing, filed with the Secretary, to the increase of the royalty to the minimum herein specified;

(9) The holder thereof pays to the Secretary within the period or periods specified in paragraph (1) of this subsection an amount equivalent to any severance, gross production, or occupation taxes imposed by the State issuing the lease on the production from the lease, less the State's royalty interest in such production, between June 5, 1950, and the effective date of this act and not heretofore paid to the State, and thereafter pays to the Secretary as an additional royalty on the production from the lease, less the United States royalty interest in such production, a sum of money equal to the amount of the severance, gross production, or occupation taxes which would have been payable on such production to the State issuing the lease under its laws as they existed on the effective date of this act;

(10) Such lease will terminate within a period of not more than five years from the effective date of this act in the absence of production or operations for drilling, or, in any case in which the lease provides for a longer period, the holder thereof consents in writing, filed with the Secretary to the reduction of such period so that it will not exceed the maximum period herein specified; and

(11) The holder of such lease furnishes such surety bond, if any, as the Secretary may require and complies with such other reasonable requirements as the Secretary may deem necessary to protect the interests of the United States.

(b) Any person holding a mineral lease, which as determined by the Secretary meets the requirements of subsection (a) of this section, may continue to maintain such lease, and may conduct operations thereunder, in accordance with (1) its provisions as to the area, the minerals covered, rentals and, subject to the provisions of paragraphs (8), (9) and (10) of subsection (a) of this section, as to royalties and as to the term thereof and of any extensions, renewals, or replacements authorized therein or heretofore authorized by the laws of the State issuing such lease, or, if oil or gas was not being produced in paying quantities from such lease on or before December 11, 1950, or if production in paying quantities has ceased since June 5, 1950, or if the primary term of such lease has expired since December 11, 1950, then for a term from the effective date hereof equal to the term remaining unexpired on December 11, 1950, under the provisions of such lease or any extensions, renewals, or replacements authorized therein, or heretofore authorized by the laws of such State, and (2) such regulations as the Secretary may under section 5 of this act prescribe within ninety days after making his determination that such lease meets the requirements of subsection (a) of this section: *Provided, however,* That any rights to sulphur under any lease maintained under the provisions of this subsection shall not extend beyond the primary term of such lease or any extension thereof under the provisions of such subsection (b) unless sulphur is being produced in paying quantities or drilling, well reworking, plant construction, or other operations for the production of sulphur, as approved by the Secretary, are being conducted on the area covered by such lease on the date of expiration of such primary term or extension: *Provided further,* That if sulphur is being produced in paying quantities on such date, then such rights shall continue to be maintained in accordance with such lease and the provisions of this act: *Provided further,* That, if the primary term of a lease being maintained under subsection (b) hereof has expired prior to the effective date of this act and oil or gas is being produced in paying quantities on such date, then such rights to sulphur as the lessee may have under such lease shall continue for twenty-four months from the effective date of this act and as long thereafter as sulphur is produced in paying quantities, or drilling, well working, plant construction, or other operations for the production of sulphur, as approved by the Secretary, are being conducted on the area covered by the lease.

(c) The permission granted in subsection (b) of this section shall not be construed to be a waiver of such claims, if any, as the United States may have against the lessor or the lessee or any other person respecting sums payable or paid for or under the lease, or respecting activities conducted under the lease, prior to the effective date of this act.

(d) Any person complaining of a negative determination by the Secretary of the Interior under this section may have such determination reviewed by the United States District Court for the District of Columbia by filing a petition for review within sixty days after receiving notice of such action by the Secretary.

(e) In the event any lease maintained under this section covers lands beneath navigable waters, as that term is used in the Submerged Lands Act, as well as lands of the outer Continental Shelf, the provisions of this section shall apply to such lease only insofar as it covers lands of the outer Continental Shelf.

The provisions of the above-quoted section must be fully met and where evi-

dence is required to establish any fact that evidence must be furnished. Without qualification or waiver of the requirement that all other facts required by section 6 to be shown be satisfied by competent evidence the instructions set out below with respect to the requirements of section 6 (a) and (b) are issued to assist leaseholders in meeting these requirements.

(1) If a duly executed copy of the lease, including any extensions, renewals, replacements or amendments thereof, is not available then a copy of the lease, certified to by the State official who formerly exercised jurisdiction over the lease or by the official custodian of the record of such lease, will be acceptable.

All papers required by section 6 to be filed must be accompanied by two copies thereof in separate sets.

(2) A duly certified copy of the State law or the portion thereof or a citation thereto which authorized the issuance of the lease must be furnished.

(3) Compliance with clause (A) of section 6 (a) (3) will be waived only upon a competent showing that the required certificate cannot be timely obtained. Any such showing must be accompanied by the affidavit of the lessee that he has fully complied with all of the terms of the lease and that it was a subsisting lease on June 5, 1950, in accordance with its terms or the terms of any extensions, renewals, replacements and amendments thereof.

(4) The leaseholder must tender to the Director of the Bureau of Land Management any monies due and unpaid on or prior to the date of publication of this notice in the FEDERAL REGISTER and furnish a complete statement of the lease account covering the period from June 5, 1950, to at least the date of the act showing the date of accrual and amount of each obligation to pay and the date and amount of each payment made and to whom payment was made in such form that it can be verified by audit, as to volume, gravity and price. Monies falling due after the date of the publication of this notice in the FEDERAL REGISTER must be paid to the Regional Oil and Gas Supervisor, Geological Survey, P. O. Box 311, Tulsa, Oklahoma.

(5) The certificate of the lessee that such lease shall continue to be subject to the overriding royalty obligations existing on the effective date of this act.

(6) The holder of the lease must certify that such lease was not obtained by fraud or misrepresentation and that it was obtained in good faith upon a full disclosure of such facts as was required to be stated in order to obtain the lease.

(7) As to any lease issued on or after June 23, 1947, a statement showing the time and place of the competitive sale pursuant to which the lease was issued.

(8) Where applicable the leaseholder's consent in writing to the increase in royalty to the minimum specified in the act.

(9) Where applicable leaseholder's consent to reduction of lease term so that it will not exceed the maximum specified in the act.

(10) The leaseholder's agreement to furnish upon demand such bond as the Secretary may prescribe to insure compliance with the terms of the lease and the United States against loss or damage.

(11) The facts as to the production status of the lease must be furnished. If production was obtained and it has ceased, the date of its cessation must be supplied.

ORME LEWIS,
Acting Secretary of the Interior.

SEPTEMBER 18, 1953.

[F. R. Doc. 53-8220; Filed, Sept. 24, 1953; 8:46 a. m.]

[Order No. 2731]

DIRECTOR, GEOLOGICAL SURVEY

DELEGATION OF AUTHORITY WITH RESPECT TO DEVELOPMENT AND LEASING OF MINERALS IN SUBMERGED LANDS

SEPTEMBER 18, 1953.

SECTION 1. *Minerals in submerged lands of the outer Continental Shelf.* The Director, Geological Survey, is authorized to exercise the same authority in connection with the development and leasing of minerals in submerged lands of the outer Continental Shelf, including the continuance of existing leases, authorized by the act of August 7, 1953 (67 Stat. 462, Pub. Law 212, 83d Cong.), as has been delegated to him with respect to minerals in the public domain.

SEC. 2. *Appeals* Any person aggrieved by any action of the Director, Geological Survey, pursuant to the authority delegated by section 1 of this order may appeal to the Secretary of the Interior, as provided in 30 CFR 221.66.

(Sec. 2, Reorganization Plan No. 3 of 1950; 15 F. R. 3174)

ORME LEWIS,
Acting Secretary of the Interior

[F. R. Doc. 53-8221; Filed, Sept. 24, 1953; 8:46 a. m.]

[Order No. 2583, Amdt. 7]

BUREAU OF LAND MANAGEMENT

DELEGATION OF AUTHORITY IN CONNECTION WITH LANDS AND RESOURCES

SEPTEMBER 18, 1953.

Order No. 2583, as amended (15 F. R. 5643, 6997; 16 F. R. 6805; 17 F. R. 7513, 10486; 18 F. R. 161, 3446) is further amended by adding thereto a new section, as follows:

SEC. 2.36 *Mineral leases of submerged lands of outer Continental Shelf issued by a State.* The making of determinations respecting the compliance or noncompliance of mineral leases issued by any State with the requirements of section 6 of the outer Continental Shelf Lands Act (67 Stat. 462; Public Law 212, 83d Congress) *Provided,* That such determinations shall be submitted to the Solicitor for concurrence.

(Sec. 2, Reorganization Plan No. 3 of 1950; 15 F. R. 3174)

ORME LEWIS,
Acting Secretary of the Interior.

[F. R. Doc. 53-8222; Filed, Sept. 24, 1953; 8:47 a. m.]

DEPARTMENT OF AGRICULTURE

Commodity Credit Corporation

ADDITIONAL GRAIN STORAGE FACILITIES

NOTICE THAT STORAGE USE GUARANTEES WILL BE MADE IN ORDER TO ENCOURAGE CONSTRUCTION

Commodity Credit Corporation has announced that storage use guarantees will be made to responsible commercial firms, including cooperatives, in order to encourage the construction of additional storage facilities for wheat, corn, rye, oats, barley, grain sorghums, flaxseed, and soybeans in areas where needed. Applications for country elevators must be filed with the local PMA county committee. Applications for subterminal and terminal facilities must be filed with the PMA State committee.

Applications for participation in the program, if mailed, must be postmarked not later than September 30, 1953, and if delivered by hand must be received not later than September 30, 1953.

(Sec. 4, 62 Stat. 1070 as amended; 15 U. S. C. Sup. 714b)

Done at Washington, D. C., this 22d day of September 1953.

[SEAL] M. B. BRASWELL,
Acting Executive Vice President, Commodity Credit Corporation.

Approved:

JOHN H. DAVIS,
President, Commodity Credit Corporation.

[F. R. Doc. 53-8235; Filed, Sept. 24, 1953; 8:48 a. m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

STATEMENT OF AREAS OF UNDERSTANDING BETWEEN DEPARTMENT OF DEFENSE AND DEPARTMENT OF COMMERCE WITH RESPECT TO TRANSFER OF CERTAIN DEFENSE ACTIVITIES FROM NATIONAL BUREAU OF STANDARDS TO DEPARTMENT OF DEFENSE

CROSS REFERENCE: For transfer of certain defense activities from National Bureau of Standards to the Department of Defense, see F. R. Doc. 53-8213, Department of Defense, office of the Secretary, *supra.*

CIVIL AERONAUTICS BOARD

[Order E-7735; Docket No. 1705 et al.]

AIR FREIGHT RATE CASE

ORDER TO SHOW CAUSE WITH RESPECT TO RATES AND CHARGES

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 21st day of September 1953.

In the matter of the rates and charges for the transportation of freight by air established, demanded, and charged by certificated and non-certificated air carriers, known as the Air Freight Rate Case; Docket No. 1705 et al.

The Board having considered all the information and data set forth or specifically referred to in the Statement of

Provisional Findings and Conclusions (hereinafter referred to as the Statement) [1] and having on the basis thereof made the provisional findings and conclusions and determined the minimum rates specified in the Statement: *It is ordered*, That:

1. All interested parties herein be directed to show cause (a) why the Board should not adopt and make final the findings and conclusions specified in the Statement and (b) further amend Order Serial No. E-1639, dated June 2, 1948, as amended, by changing the two numbered sentences in the fourth ordering paragraph to read as follows:

1. Twenty cents per ton-mile for the first 1,000 ton-miles of any one shipment.

2. Sixteen and one quarter cents per ton-mile for all ton-miles in excess of 1,000 ton-miles for any one shipment, and

(c) amend Order Serial Nos. E-4048, E-4890, E-5648 and E-6698 so as to maintain the existing relationship between the minimum rates and the below-minimum directional rates permitted by such orders.

2. Any interested person having objection to the rates set forth in the Statement or to the admissibiliy in evidence of any information accompanying or referred to in the Statement, shall within 7 days of the date hereof file written notice of objection with the Board. If notice is filed as aforesaid, written answer and supporting documents shall be filed not later than 15 days from the date hereof.

3. If no answer is filed as provided in paragraph 2 or the answers filed raise no issues as to the cost of carriage in all-cargo planes, the Board will set the proceeding for immediate limited hearing to receive in evidence the information accompanying or specifically referred to in this Statement and promptly thereafter enter an order making final the findings and conclusions in the Statement; amending Order Serial No. E-1639 and the directional rate orders, as amended, as provided in paragraph 1 above; and requiring all carrier parties to file appropriate air freight tariff revisions to conform to said order as amended.

The above order shall be final if no answer is filed, but shall be temporary and remain in effect only until completion of proceedings with respect to the issues raised by the answers or earlier order of the Board, if answers are filed. In such case, all issues raised by the answers shall be promptly set for hearing.

4. If answer is filed raising issues related to the cost of air freight carriage in all-cargo planes, the proceeding shall be set for immediate hearing, but such hearing shall be limited solely to such issues, and the proceeding shall be expedited to the fullest extent possible. The order entered as a result of this proceeding—

a. Shall be final, if the only issues raised by answer are those which relate to the cost of carrying air freight in all-cargo planes,

b. Shall be temporary and remain in effect only until the determination of all issues raised by the answers or earlier order of the Board, if issues additional to those relating to the cost of carrying air freight in all-cargo planes are raised by answers. In such case, all issues raised by answer shall be promptly set for hearing.

5. Copies of this order be served on all parties to this proceeding.

6. This order be published in the FEDERAL REGISTER.

By the Civil Aeronautics Board.

[SEAL] M. C. MULLIGAN,
Secretary.

[F. R. Doc. 53-8224; Filed, Sept. 24, 1953; 8:47 a. m.]

[1] Filed as part of the original document.

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 10657, 10658]

SOUTH JERSEY BROADCASTING CO. AND PATRICK JOSEPH STANTON

ORDER CONTINUING HEARING

In re applications of South Jersey Broadcasting Company, Camden, New Jersey, Docket No. 10657, File No. BPCT-1522; Patrick Joseph Stanton, Philadelphia, Pennsylvania, Docket No. 10658, File No. BPCT-1674; for construction permits for new commercial television stations.

All participants having consented, hearing in the above-entitled proceeding presently scheduled for September 25, 1953, is continued to 10:00 a. m., October 19, 1953.

Dated: September 21, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] DEE W PINCOCK,
Acting Secretary.

[F. R. Doc. 53-8229; Filed, Sept. 24, 1953; 8:47 a. m.]

[Docket No. 10691]

LICENSES OF CERTAIN AERONAUTICAL STATIONS OPERATING ON CERTAIN FREQUENCIES

ORDER TO SHOW CAUSE

In the matter of modification of licenses of certain aeronautical stations licensed to operate on certain frequencies between 2000 and 20,000 kc pursuant to the Atlantic City Table of Frequency Allocations or the Geneva Agreement (1951), Docket No. 10691.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 16th day of September 1953;

The Commission, having under consideration the matter of bringing into use certain frequency bands pursuant to the Atlantic City Table of Frequency Allocations or the Geneva Agreement (1951) and

It appearing, that the United States is making new frequency assignments to the Aeronautical Mobile (R) service in accordance with the EARC Agreement and (1) certain existing aeronautical mobile assignments will be deleted upon the activation of particular frequencies along given routes and (2) certain existing aeronautical mobile assignments, in the light of existing operations, are not active.

It is ordered, That pursuant to section 316 of the Communications Act of 1934 as amended, those licensees listed below are directed to show cause, on or before October 30, 1953, why their licenses should not be modified as of November 13, 1953, so as to delete those assignments which are in the categories mentioned in paragraph 3 above and which are set forth below.

Released: September 17, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] WM. P MASSING,
Acting Secretary.

AERONAUTICAL ASSIGNMENTS TO BE DELETED

Frequency (kc.)	Call	Location	Licensee
2870	KK13	Brownsville, Tex.	AER
3082.5	KKP8	Corpus Christi, Tex.	AER
4335	KIA2	Jacksonville, Fla.	AER
	KIU5	Key West, Fla.	AER
	KIA5	Marianna, Fla.	AER
	KIB6	Miami, Fla.	AER
	KIS6	Pensacola, Fla.	AER
	KKF8	New Orleans, La.	
4750	KKB5	Dallas, Tex.	AER
	KLF7	Laredo, Tex.	AER
5122.5	KIL8	Miami, Fla.	AER
5405	KKI3	Brownsville, Tex.	AER
6490	KKF8	New Orleans, La.	AER
	KKP8	Corpus Christi, Tex.	AER
	KKD3	Houston, Tex.	AER
8217	KOB4	Boston, Mass.	AER
	KEA5	New York, N. Y.	AER
	KKI3	Brownsville, Tex.	AER
8233	KKI3	Brownsville, Tex.	AER
11381	KIL8	Miami, Fla.	AER
	KKI3	Brownsville, Tex.	AER
11394	KIL8	Miami, Fla.	AER
	KKI3	Brownsville, Tex.	AER
11915	KOB4	Boston, Mass.	AER
	KEA5	New York, N. Y.	AER
2748	KWV9	Auk Lake, Alaska	14778
	KXF7	Obisana, Alaska	03017
	KWN6	Chitina, Alaska	03017
	KXD5	Eagle, Alaska	10818
3105	KWV3	Mount McKinley, Alaska.	15209
	KWV4	Mount McKinley, Alaska.	15209
4330	KQF5	Sault Ste Marie, Mich.	AER
4475	KUA5/6/7/8/9	West of Hawaii	PAA
	KUB2	West of Hawaii	PAA
4952.5	KAX/5	United States	AER
	KGF7	United States	AER
4982.5	KSB2	Oak Lawn, Ill.	AER
	KQD7	Cleveland, Ohio	AER
6577	KOB4	Boston, Mass.	AER
	KEA5	Hicksville, N. Y.	AER
6590	KK13	Brownsville, Tex.	AER

LICENSEES

AER—Aeronautical Radio Inc.

PAA—Pan American World Airways Inc.

03017—Cordova Air Service Inc./Cordova Air Lines Inc.

10818—Wien Alaska Airlines Inc.

14778—H. S. Weidner.

15209—Museum Science Boston, Mass., Science PK.

[F. R. Doc. 53-8230; Filed, Sept. 24, 1953; 8:47 a. m.]

[Docket Nos. 10606, 10272, 10273]

BRUSH-MOORE NEWSPAPERS, INC. ET AL

ORDER AMENDING ISSUES

In re applications of the Brush-Moore Newspapers, Inc., Canton, Ohio, Docket No. 10272, File No. BPCT-264; Stark Telecasting Corporation, Canton, Ohio, Docket No. 10273, File No. BPCT-949; Tri-Cities Telecasting, Inc., Canton, Ohio, Docket No. 10606, File No. BPCT-1738; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 18th day of September 1953;

The Commission having under consideration a group of pleadings[1] which raise the questions whether the Stark Telecasting Corporation and Tri-Cities Telecasting, Inc. may be found financially qualified to construct and operate the stations proposed in their above-entitled applications so that these applicants need not be required to prove their financial qualifications at the hearing in this proceeding; and

It appearing, that an issue concerning the financial qualifications of the Stark Telecasting Corporation has already been specified for this proceeding; that, upon review of the Stark application and the pleadings now before us, we are still unable to determine whether this applicant is financially qualified; and that, therefore, the specified issue concerning the financial qualifications of the Stark Telecasting Corporation should be retained; and

It further appearing, that the Commission has determined administratively that Tri-Cities Telecasting, Inc. is financially qualified, so that no issue concerning its financial qualifications was specified for this proceeding, but that the pleadings before us raise sufficient question concerning this applicant's financial qualifications to warrant the specification of an issue on that subject;

It is ordered, That the petition of the Stark Telecasting Corporation for deletion of the issue concerning its financial qualifications is denied; and

It is further ordered, That the petition of the Brush-Moore Newspapers, Inc., for the addition of a financial qualifications issue as to Tri-Cities Telecasting, Inc., is granted; and

It is further ordered, That Issue No. 1 specified for the hearing in the above-entitled proceeding is amended as follows:

1. To determine the financial qualifications of the Stark Telecasting Corporation and Tri-Cities Telecasting, Inc., to construct, own and operate the proposed television broadcast stations.

Released: September 21, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] DEE W. PINCOCK,
Acting Secretary.

[F. R. Doc. 53-8231; Filed, Sept. 24, 1953; 8:48 a. m.]

[1] "Petition to Revise Hearing Issues" filed July 30, 1953, by Stark Telecasting Corporation; Opposition to Stark petition, and petition to revise order, filed August 7, 1953, by The Brush-Moore Newspapers, Inc., Correction to Opposition, filed August 10, 1953, by Brush-Moore; Reply to Stark petition, filed August 7, 1953, by Chief, Broadcast Bureau; Reply to pleadings of Brush-Moore and Broadcast Bureau, filed August 10, 1953, by Stark; Answer to reply of Stark, filed August 13, 1953, by Brush-Moore; Reply to answer of Brush-Moore, filed August 17, 1953, by Stark; Opposition to Brush-Moore petition, filed August 18, 1953, by Tri-Cities Telecasting, Inc.; Counter Reply of Brush-Moore, filed August 25, 1953.

FEDERAL POWER COMMISSION

[Docket No. E-6482]

PACIFIC GAS AND ELECTRIC CO.

ORDER FOR REARGUMENT

The Commission orders: The above-entitled matter is set for reargument before the Commission in the Commission's hearing room at 441 G Street NW., Washington, D. C., commencing at 10:00 a. m., e. s. t., October 12, 1953. At such reargument the Commission desires that counsel particularly address themselves to the following questions, assuming, arguendo, that the proposed increased rates will stand as the legally enforceable rates unless the Commission finds that they are unlawful and prescribes other rates:

(1) How has the rate of return derived under the contract in the period since it was entered into compared with the rate of return foreseen or reasonably foreseeable by P. G. & E. when it entered into the 1948 contract, and with the rate of return experienced initially under the 1948 contract?

(2) How has the growth in amount of capacity and energy sold under this contract compared with the growth foreseen or reasonably foreseeable by P. G. & E. when it entered into the 1948 contract, in its effect on rate of return from this sale?

(3) How has the increase in operating expenses and plant investment allocable to this business compared with that foreseen or reasonably foreseeable by P. G. & E. when it entered into the 1948 contract?

(4) What has been the net effect of changes not foreseen and not reasonably foreseeable by P. G. & E. in the amount of capacity and energy sold under this contract and in operating expenses and plant investment allocable to this business?

(5) Was the rate of return on this business which was experienced during the year 1952 a rate of return foreseen or reasonably foreseeable by P. G. & E. at the time the contract was entered into?

(6) How has the rate of return derived under this contract since it was entered into compared with the rates of return derived under the other special contracts under which P. G. & E. sells electricity for resale?

Adopted: September 17, 1953.

Issued: September 21, 1953.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-8214; Filed, Sept. 24, 1953; 8:45 a. m.]

[Docket Nos. G-2179, G-2205, G-2206]

ARKANSAS LOUISIANA GAS CO. AND EL PASO NATURAL GAS CO.

NOTICE OF FINDINGS AND ORDERS

SEPTEMBER 21, 1953.

In the matters of Arkansas Louisiana Gas Company, Docket No. G-2179; El Paso Natural Gas Company, Docket No. G-2205; El Paso Natural Gas Company, Docket No. G-2206.

Notice is hereby given that on September 18, 1953, the Federal Power Commission issued its orders adopted September 17, 1953, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-8215; Filed, Sept. 24, 1953; 8:45 a. m.]

[Docket No. G-2189]

HOPE NATURAL GAS CO.

NOTICE OF FINDINGS AND ORDER

SEPTEMBER 21, 1953.

Notice is hereby given that on September 18, 1953, the Federal Power Commission issued its order adopted September 17, 1953, permitting and approving abandonment of natural-gas facilities in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-8216; Filed, Sept. 24, 1953; 8:45 a. m.]

[Docket No. G-2212]

PACIFIC GAS AND ELECTRIC CO.

ORDER FIXING DATE OF HEARING

On July 15, 1953, Pacific Gas and Electric Company (Applicant) a California corporation with its principal office in San Francisco, California, filed application with the Federal Power Commission for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the construction and operation of approximately 55,100 feet of 24-inch pipeline from the Applicant's Antioch control station to its steam-electric generating station at Pittsburg, California, and approximately 2,500 feet of 24-inch pipeline as a tie main between the western

extremity of the proposed Antioch-Pittsburg line and Stoneman Junction on the main line of Standard Pacific Gas Line, Incorporated, together with necessary metering and control equipment, for the transportation and sale of natural gas subject to the jurisdiction of the Commission, as described in the application on file with the Commission and open to public inspection.

The Commission finds: This proceeding is a proper one for disposition under the provisions of § 1.32 (b) (18 CFR 1.32 (b)) of the Commission's Rules of Practice and Procedure, Applicant having requested that its application be heard under the shortened procedure provided by the aforesaid rule for noncontested proceedings, and no request to be heard, protest or petition having been filed subsequent to the giving of due notice of the filing of the application, including publication in the FEDERAL REGISTER on September 1, 1953 (18 F R. 5284)

The Commission orders: (1) Pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing be held on October 2, 1953, at 9:45 a .m., e. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by the application: *Provided, however* That the Commission may, after a noncontested hearing, forthwith dispose of the proceedings pursuant to the provisions of § 1.32 (b) of the Commission's rules of practice and procedure.

(2) Interested state commissions may participate as provided by §§ 1.8 and 1.37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Adopted: September 18, 1953.

Issued: September 21, 1953.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 53-8218; Filed, Sept. 24, 1953; 8:46 a. m.]

[Project No. 2141]

NORTHERN LIGHTS, INC.

NOTICE OF APPLICATION FOR PRELIMINARY PERMIT

SEPTEMBER 21, 1953.

Public notice is hereby given that Northern Lights, Inc., of Sandpoint, Idaho, has filed application under the Federal Power Act (16 U. S. C. 791a-825r) for preliminary permit for proposed water-power Project No. 2141 to be located on Priest River and Priest Lake in Bonner County, Idaho, and consisting of a dam (Site No. 3) on Priest River located about 3 miles below the outlet of Priest Lake in sec. 18, T. 59 N., R. 4 W., B. M., which would regulate the surface of Priest Lake through a range of approximately 4 feet between elevations 2439.74 and 2435.64, and a powerhouse containing about 4,400 horsepower of capacity; a second dam (Site No. 4) located about 8 miles below Priest Lake in sec. 31, T. 59 N., R. 4 W., B. M., developing a stretch of the Priest River up to Dickensheet Bridge and a powerhouse containing about 4,600 horsepower of capacity. The preliminary permit, if issued, shall be for the sole purpose of maintaining priority of application for a license under the terms of the Federal Power Act for the proposed project.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure of the Commission (18 CFR 1.8 or 1.10) on or before the 5th day of November 1953. The application is on file with the Commission for public inspection.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 53-8217; Filed, Sept. 24, 1953; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28482]

SUPERPHOSPHATE FROM SOUTHERN TERRITORY TO BARTLESVILLE, OKLA.

APPLICATION FOR RELIEF

SEPTEMBER 22, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Superphosphate (acid phosphate) other than ammoniated, carloads.

From: Points in southern territory.

To: Bartlesville, Okla.

Grounds for relief: Competition with rail carriers, circuitous routes, to apply rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates; C. A. Spaninger's tariff I. C. C. No. 1286, Supp. 15.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD, *Acting Secretary.*

[F. R. Doc. 53-8226; Filed, Sept. 24, 1953; 8:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3125]

UNION ELECTRIC CO. OF MISSOURI

NOTICE OF FILING AND NOTICE OF AND ORDER FOR HEARING REGARDING ACQUISITION OF COMMON STOCK OF NON-AFFILIATED COMPANY, ISSUANCE BY ACQUIRING COMPANY OF ITS COMMON STOCK IN EXCHANGE THEREFOR, AND EXEMPTION FROM PROVISIONS OF RULE

SEPTEMBER 21, 1953.

Notice is hereby given that Union Electric Company of Missouri ("Union"), a registered holding company, and a subsidiary of the North American Company, also a registered holding company, has filed an application-declaration pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935 ("act") and the rules and regulations promulgated thereunder. Applicant-declarant has designated section 6 (a) and section 6 (b) or 7, and sections 9 (a) and 10 as applicable to the proposed transactions.

All interested persons are referred to the application-declaration which is on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized below:

Union proposes to acquire from the common stockholders of Missouri Edison Company ("Missouri Edison") a non-affiliated public-utility company, the outstanding common stock of Missouri Edison in exchange for common stock of $10 par value of Union. The proposed offer is to be on the basis of 7/10ths of one share of Union common stock of $10 par value for each share of Missouri Edison common stock of $5 par value, except that cash will be paid in lieu of fractional shares of Union common stock based on the closing market price for such stock on the New York Stock Exchange on the effective date of such exchange. The maximum number of shares of Union common stock which would be issuable upon such exchange is 87,500. The consummation of such exchange is subject to certain conditions which are embodied in a separate agreement between Union and Missouri Edison including, among others, that there shall have been deposited for exchange at least 85 percent of the 125,000 shares of Missouri Edison common stock, that the 1,750 shares of Missouri Edison's 4¼ percent Preferred Stock shall have been retired, and that Union shall have amended its charter increasing its authorized common stock of $10 par value to the extent necessary to effect the exchange, listed such additional shares on the New York Stock Exchange, and registered the same under the Securities

Exchange Act of 1934. Union requested exemption from the competitive bidding requirements of Rule U-50, because of the nature of the transaction, which Union asserts is not compatible with competitive bidding under said rule.

Union proposes to record the common stock of Missouri Edison, upon the acquisition thereof, at an amount equivalent to the underlying net asset value of such stock after deduction of an amount equivalent to the amount shown on the books of Missouri Edison in its plant acquisition adjustment account, as at the close of the month preceding the date on which Union Electric acquires such stock, and to record the Union common stock issued in exchange therefor at the par value thereof of $10 per share, and to treat as capital surplus the excess of the underlying net asset value of the Missouri Edison stock over the aggregate par value of the Union Electric stock issued on such exchange.

It is stated that Missouri Edison, a Missouri corporation, is an electric utility company engaged in the distribution of electric energy in Pike, Lincoln, Montgomery, St. Charles and Warren Counties, Missouri, and that its service area is bounded on the east by the Mississippi River, and the service area of Union in St. Charles County, on the south by the Missouri River, and on the west and north by the service area of Missouri Power & Light Company, presently a subsidiary company of Union. It is further stated that Missouri Edison is presently purchasing substantially all of its electric energy requirements from Union at six different delivery points. Missouri Edison is also a gas utility company and distributes natural gas in the City of Louisiana in Pike County, Missouri.

It is stated that the proposed acquisition and issuance by Union are subject to the approval of the Public Service Commission of Missouri, and that a copy of that Commission's order will be supplied by amendment.

It is further stated that data with respect to fees and expenses will be supplied by amendment.

Under an agreement between Union and Missouri Edison, Missouri Edison will undertake to mail to its stockholders of record a copy of this notice and order.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a public hearing be held with respect to the proposed transactions for the purpose of affording an opportunity to all interested persons to present evidence and to be heard with respect to the proposed transactions set forth in said application-declaration:

It is ordered, That a hearing be held on said matters on October 5, 1953, at 10:00 a. m., e. s. t., at the office of the Securities and Exchange Commission, 425 Second Street NW., Washington, D. C. On such date the hearing room clerk will advise as to the room in which such hearing will be held. Any person desiring to be heard in connection with these proceedings or proposing to intervene, shall file with the Secretary of this Commission on or before October 2, 1953, a written request relative thereto, as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That William W Swift, or any other officer or officers of the Commission designated by it for that purpose shall preside at said hearing. The officer so designated is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation of the Commission having advised the Commission that it has made a preliminary examination of the application-declaration and that, upon the basis thereof, the following matters and questions are presented for consideration, without prejudice, however, to the presentation of additional matters and questions upon further examination:

(1) Whether the proposed offer of exchange is fair to the common stockholders of Missouri Edison and to the common stockholders of Union;

(2) Whether the proposed acquisition by Union of the common stock of Missouri Edison meets the standards of section 10 of the act, and particularly the requirements of sections 10 (c) (1) and 10 (c) (2)

(3) Whether the proposed issue and sale by Union of not exceeding 87,500 shares of additional common stock, is exempt from the provisions of sections 6 (a) and 7 of the act pursuant to the provisions of section 6 (b) or if such proposed issue and sale of additional common stock is found subject to section 7, then whether the requirements of such section are satisfied;

(4) Whether exemption from the provisions of Rule U-50 should be granted;

(5) Whether the proposed accounting treatment of the several transactions on the books of Union is proper;

(6) Whether the fees, commissions and other expenses to be incurred are for necessary services and reasonable in amount;

(7) What terms, conditions or reservation of jurisdiction, if any, the Commission's order should contain;

(8) Generally, whether the proposed transactions are in all respects compatible with the provisions and standards of the applicable sections of the Act and of the Rules and Regulations promulgated thereunder.

It is further ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

It is further ordered, That jurisdiction be, and hereby is, reserved to separate either for hearing, in whole or in part, or for disposition, in whole or in part, any of the issues, questions or matters hereinbefore set forth or which may hereafter arise, or to consolidate these proceedings with other proceedings, or to take such other action as may appear to be necessary for the orderly, prompt, and economical disposition of the matters involved.

It is further ordered, That the Secretary of the Commission shall serve a copy of this notice by registered mail on Union, Missouri Edison and the Public Service Commission of Missouri, and that notice be given to all other persons by publication of this notice in the FEDERAL REGISTER and by general release of the Commission, distributed to the press and mailed to the mailing list for releases under the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 53-8219; Filed, Sept. 24, 1953; 8:46 a. m.]

[File No. 812-848]

LEHMAN CORP. AND WILSHIRE OIL CO. OF TEXAS

NOTICE OF APPLICATION FOR EXEMPTION OF TRANSACTION BETWEEN AFFILIATES

SEPTEMBER 23, 1953.

The Lehman Corporation ("Applicant"), a registered management closed-end diversified investment company, has filed an application pursuant to section 17 (b) of the Investment Company Act of 1940 requesting an order exempting from the provisions of section 17 (a) (2) of said act the purchase for retirement by Wilshire Oil Company of Texas ("Wilshire") of its preferred stock owned by Applicant.

In 1951, a limited number of investors, including Applicant and Lehman Brothers, its investment adviser, purchased at par for $9,500,000 in cash all of the outstanding capital stock of Wilshire (formerly known as B-L and Associates, Inc.), which consisted of 90,000 shares of $100 par value 4 percent cumulative preferred stock and 100,000 shares of $5 par value common stock. Applicant purchased 5,000 shares (5.55 percent) of said preferred stock and 5,278 shares (5.27 percent) of said common stock of Wilshire.

Under the terms of a public offer made by Wilshire in March 1953, Applicant sold 1,250 shares of preferred stock of Wilshire to the latter at $100 per share, which transaction was permitted pursuant to an order of this Commission dated April 14, 1953 (Investment Company Act Release No. 1855) The preferred stock of Wilshire is callable at $100 per share, plus accrued dividends. At April 15, 1953, the expiration date of the above offer, accrued but unpaid dividends totaled $5.35 per share.

The assets of Wilshire consist principally of $2,500,000 in cash, an interest in a gasoline plant in Texas, a refinery in California, and an interest in certain producing and non-producing acreage in Texas and California. Wilshire shows an operating loss to date of approximately $650,000.

Applicant now holds 3,750 of the 67,500 outstanding shares of preferred stock of Wilshire. Applicant has received a notice that Wilshire offers to purchase for retirement and extinguishment in the aggregate 18,000 shares of its outstanding preferred stock at $100 per share on the basis of 26⅔ percent of the preferred shares owned by each shareholder at the close of business on August 25, 1953. At August 31, 1953 accrued but unpaid preferred dividends totaled $6.85

per share. The offer, which is extended to all of its preferred stockholders, must be accepted on or before September 30, 1953. Applicant proposes to accept such offer and sell to Wilshire 1,000 shares of its 3,750 shares of Wilshire preferred stock at $100 per share.

Applicant and Wilshire are, by definition, affiliated persons of each other under the act; hence Wilshire is prohibited by the provisions of section 17 (a) (2) of the act from purchasing shares of its preferred stock from Applicant unless the Commission grants the application pursuant to the provisions of section 17 (b) of the act.

Applicant states that the transaction will permit the release of funds committed by it to the senior capital of Wilshire, but only at the same time and upon the same terms made available to all other holders of Wilshire preferred stock. It is urged that the standards of section 17 (b) are met in that the terms of the proposed transaction are fair and reasonable and do not involve overreaching on the part of any person concerned; and that the transaction is consistent with the policies of Applicant as recited in its registration statement and reports filed under the act and with the general purposes of the act.

For a more detailed statement of the matters of fact and law asserted, all interested persons are referred to said application which is on file in the office of the Commission at Washington, D. C.

Notice is further given that any interested person may, not later than September 29, 1953, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 53-8277; Filed, Sept. 24, 1953; 9:30 a. m.]